

**EXPERT REPORT OF ISRAEL SHRENZEL IN SOKOLOV V. PALESTINIAN  
AUTHORITY, CASE NO. 04-397 (S.D.N.Y.)**

**I. EDUCATIONAL BACKGROUND AND PROFESSIONAL QUALIFICATIONS**

I was born in 1958 and currently reside in Tel Aviv, Israel. I have an M.A. in Middle Eastern Studies (1987) and a B.A. in Arabic Language and Literature and Modern Middle Eastern Studies (1979) from Tel Aviv University. I am fluent in Hebrew and Arabic and in English reading and comprehension. I also have an intermediate-level (or better) knowledge of French, Spanish and Russian.

Between 1980 and 1985, I served as a research officer in the Intelligence Branch of the Israel Defense Forces (“IDF”), with an expertise in Palestinian and Syrian affairs.

Between 1988 and 2004, I served as an intelligence analyst in Israel’s General Security Service (“GSS”), which is Israel’s main domestic intelligence and security agency, roughly equivalent in its role and tasks to the FBI in the United States.

During most of my period of service in the GSS I was a Department Head in the GSS Research Division and held a GSS rank equivalent to Colonel. I reported to my Division Head above whom were only two people – the Department Head and the Head of the GSS. In that position I was responsible (among other things) for supervising the work of GSS research and assessment personnel in various fields relating to Palestinian affairs, drafting and presenting research and policy papers concerning Palestinian affairs, and appearing before and providing briefings to senior governmental and military forums regarding Palestinian affairs. I supervised approximately 15-20 people. As part of my position I also provided numerous briefings about Palestinian affairs, in Israel and abroad, to foreign officials.

In the course of my services in the GSS, I received and read many thousands of intelligence items – including raw intelligence data obtained from electronic and human sources, as well as analyses and summaries compiled from such raw data, many of which my team prepared under my supervision – relating to the activities of the Palestinian Authority (the “PA”), the Palestine Liberation Organization (the “PLO”) and the full range of Palestinian groups, organizations, institutions and personalities.

Since leaving the GSS, I have taught at Tel Aviv University as an Adjunct Professor of Modern Islamic Thought in the Arabic and Islamic Studies Department. I have also edited a number of books, some of which are relevant to the Palestinian issue, including Hamass Lexicon (Ma’arachot 2008) and Ticking Bomb (Ma’arachot 2006) (a collection of articles dealing with suicide bombings). I also served as language editor for a new Hebrew-language translation of the Quran published by Professor Uri Rubin (Tel Aviv University Press 2005). During 2007, I

served as an aide to the Winograd Commission, which was a commission of inquiry appointed by the Israeli government to investigate the 2006 military conflict between Israel and Hezbollah.

In the previous 10 years, I have authored the following publications: “The Muslim Brotherhood: a Pragmatic Bunch” (book review), Ha’aretz, October 22, 2012; “Man was Created in Order to Produce Knowledge” (book review), Ha’aretz, January 13, 2012; “Today Amputation Cannot be Considered a Legitimate God-Approved Punishment”, Ha’aretz, October 29, 2010.

I have never testified as an expert at trial or by deposition. I am being compensated for this report at a fee of \$120 per hour.

In addition to the materials referenced herein, and court documents relating to the attacks that are the subject of this case, in preparing my report, I reviewed the documents listed below:

Documents Produced by Plaintiffs:

Bates P1:1-3120

Bates P2:3-310

Bates P3:1-50

Bates P4:1-282

Bates P5:1-156c

Bates P6:1-330

Bates P7:1-174

Bates P8:1-187

Bates P9:1-2

Bates P10:1-4

Documents Produced by Defendants:

Bates 04:493-494

Bates 4473-4513

Bates 6031-6034

Bates 6145

Bates 6363-6368

Bates 6761-6778

Bates 6827-6840

Bates 7183-7184

Bates 7290-7328

Bates 7731-7742

Bates 7893-7898

Bates 8952-9046

Bates 9050-9638

## **II. EXPERT OPINION**

### **CHAPTER A - Background and Introduction**

I have been requested by Counsel for the Plaintiffs to provide my Expert Opinion with respect to the degree of involvement of the Palestinian Authority in six terrorist attacks that are at the center of this action, and in the encouragement, support and assistance in the execution of these attacks. These attacks were carried out in the period from early 2001 to 2004. The wave of terrorist incidents in Israel and in the Territories during those years is known as the al Aqsa intifada, or the al Quds intifada, and is also known by other names.

The basis for my opinions herein is my decades of professional experience analyzing the Palestinian arena, the documents and sources cited herein, and the documents produced by the parties during discovery which I reviewed.

The terrorist attacks that I have been asked to address are as follows:

A. A shooting attack that was carried out on January 8, 2001 against a vehicle that was driving approximately 6 miles north of Jerusalem, near the town of Givat Ze'ev, in which one person was physically injured.

B. A suicide bombing that was carried out in Jerusalem on Jaffa Road, on January 22, 2002, in which two people were killed and more than 45 were injured.

C. A suicide bombing that was carried out in Jerusalem on Jaffa Road, on January 27, 2002, in which one person was killed and about 150 were injured.

D. A suicide bombing that was carried out in Jerusalem on King George Street, on March 21, 2002, in which three people were killed and 81 were injured.

E. A suicide bombing that was carried out in Jerusalem in the neighborhood of French Hill, on June 19, 2002.

F. A suicide bombing that was carried out in Jerusalem, on January 29, 2004, on the number 19 bus, in which eleven people were killed and dozens were injured.

Members of the Palestinian Authority's security forces participated in all of these attacks. The role of these security forces in the commission of the attacks was central, and they played a key role in the execution of the attacks that are discussed in this Expert Opinion. This matter is expanded upon in detail, later in this Expert Opinion.

It is already clear at this stage that the analysis of the Palestinian Authority's attitude to the attacks and terrorists shows that the Palestinian Authority supported, in various ways, the terrorists who took part in these attacks, and that the attacks were committed in accordance with its policy. The Authority also incited, and provided extensive indoctrination for the perpetration of these attacks and the creation of a public atmosphere which legitimizes and glorifies these actions. It is *a fortiori* obvious that the Authority has not complied with its duty, by virtue of its agreements with Israel, to take measures for the prevention of acts of terrorism such as these. Quite the opposite is true: the Palestinian Authority has provided financial and other support to the terrorist organizations, of which the terrorists who carried out the attacks at issue in this case were members, most of them whom also belonged to the security organizations of the Authority.

Once they have carried out the acts of terrorism, the terrorists involved are considered by the Palestinian Authority to be heroes who were doing their national duty, and the Palestinian Authority has rewarded them and/or their families accordingly. The Palestinian Authority regarded the attacks at issue in this case, and terrorist attacks in general, as national acts that are worthy of both praise and emulation.

Summarized below are some of the general characteristics of the conduct of the Palestinian Authority during the relevant period of time, and details concerning its actions in the areas of incitement and indoctrination, and principally those which were directed toward serving members of its security forces.

**The policy of the Palestinian Authority relative to attacks and terrorists during the period of the al Aqsa intifada**

## General

The conduct of the Palestinian Authority, even before the outbreak of the intifada in September 2000, was fraught with profound deficiencies and failures with respect to the fulfillment of its obligation to the struggle against terrorism.

It is a known fact that there are those who believe that the fomenting of the intifada was an act which was initiated and carefully planned by the leadership of the Palestinian Authority and was personally led by Arafat. Nonetheless, it is clear, even to those who do not fully accept this concept, that, immediately upon the outbreak of the intifada and by way of a gradual but rapid process, there was obviously a very dramatic exacerbation of the most negative characteristics of the conduct exhibited by the Palestinian Authority – which, as set forth above, were common during the previous period as well. The Palestinian Authority, its leadership and its senior officials took up the leadership and direction of the events in the field, while attempting, successfully for the most part, to adjust the “height of the flames”.

Generally speaking, it may be said that organizations, entities and terrorists identified with the Authority are responsible for quite a considerable part of the terrorist incidents during the relevant period of time. Organizations which do not belong to the Authority (such as Hamas and the Islamic Jihad) are responsible for other such events; nonetheless, the Authority’s attitude toward those organizations was one which encouraged their terrorist activity, which was thoroughly exploited by the Authority as part of the strategy of its struggle against Israel.

Following, by way of a brief summary, are some of the central components of the conduct exhibited by the Palestinian Authority during the period of the terrorist attacks that are at the center of this action.

- a. Deliberately and intentionally refraining from taking any real measures toward the frustration of terrorism, such as effective arrests, serious interrogations, trials and deterrent sentences, confiscation of illegal weapons, prevention of financial assistance by terrorist organizations and so forth. When terrorist operatives were arrested from time to time, this was only for show, by way of a temporary and quite incomplete response to pressure by Israel and international entities. Most, if not all, of the terrorists were released within a short time, through the use of the “revolving door” method.
- b. Significant efforts invested in the production of materiel by entities within the Authority, along with acquisitions of armament, the prime example of which is the case of the Palestinian arms ship, *Karine A*, which was loaded with large quantities of high-quality weapons in Iran and was intercepted by Israel, early in 2002.
- c. Entities within the Palestinian Authority and the PLO were involved “up to their necks” in the ongoing direction of the terrorist offensive and in the provision of assistance to the field

operatives who implement the terrorist offensive. Among these entities, we may point out the “**security organizations**,” Tanzim, which belongs to Fatah, and its terrorist organization, the al Aqsa Martyrs Brigades (the extremely close relationship between the Authority and Fatah is discussed further in this Expert Opinion); the Government ministries of the Palestinian Authority (including the Ministry of Information; the Ministry of Prisoners and Released Prisoners, which is responsible for the implementation of the Prisoners and Released Prisoners Law and the regulations enacted by virtue thereof; the Ministry of Welfare and its institution which cares for the families of *shahid* martyrs and the wounded); and the media within the PA and the PLO.

These organizations provided assistance to terrorist operatives and terrorist organizations, including financial assistance, logistical assistance, assistance in the supply of materiel, assistance in evading justice and the provision of a safe asylum, the provision of intelligence and even warnings of expected activity by Israel against them, and so forth.

- d. Active involvement by terrorists, who are employed by the Authority’s organizations, in acts of terrorism, including suicide bombings. This matter will be proved during the detailed discussion of the individual cases which are discussed in this Expert Opinion.
- e. Extensive, systematic and venomous incitement, through a broad variety of ways and means (further details are set forth below).

#### **The moves by the Palestinian Authority in the areas of incitement and indoctrination**

This refers to the intricate preparation actions that the Palestinian Authority performed in order to legitimize what is known in Palestinian terminology as an “armed struggle against the Zionist occupier”, whose practical interpretation is the employment of terrorism against Israel and Jews in Israel and wherever else they may be.

This legitimization, which was part of an effort to shape the opinion of the Palestinian public, manifested in many ways. The basic, long term effort includes, *inter alia*, Palestinian schoolbooks and incitement in mosques, particularly in Friday sermons. The immediate, short term effort includes announcements in the Palestinian media that was controlled by the Palestinian Authority – radio, television and some of the Palestinian newspapers and web sites, and immediate gestures towards Palestinian terrorists who had been killed in action, as well as the posting of public notices of mourning in support of suicide bombings and bombers that were published in the media of the Palestinian Authority and more.

#### **The Palestinian commitments to preventing incitement**

Before analyzing the inciting messages that the Palestinian Authority conveyed in the two channels mentioned above, it should be noted that the danger of incitement and systematic

opinion shaping of the Palestinian population were brought to the attention of the signers of the Oslo Accords between Israel and the PLO, within which the Palestinian Authority was established ('the Gaza and Jericho Agreement', 'the Interim Agreement' and later the Wye River Memorandum). For example, the Gaza and Jericho Agreement (1994) states:

1. Section XII of the Gaza and Jericho agreement (which was signed by the Prime Minister of Israel, Yitzhak Rabin, and the Chairman of the Palestinian Authority and the PLO Yasser Arafat)<sup>1</sup>, titled "Relations between Israel and the Palestinian Authority" stated, *inter alia*, the following:

"Israel and the Palestinian Authority shall seek to foster mutual understanding and tolerance and shall accordingly abstain from incitement, including hostile propaganda, against each other and, without derogating from the principle of freedom of expression, shall take legal measures to prevent such incitement by any organizations, groups or individuals within their jurisdiction.

Appendix II of the Gaza and Jericho Agreement ("Protocol Concerning Civil Affairs"), Section II titled "Transfer of Powers and Responsibilities of the Civil Administration" (subsection 9B) title Education states:

"Israel and the Palestinian Authority shall ensure that their respective education systems contribute to the peace between Israel and the Palestinian people and peace in the entire region."

This wording, or similar wording, appears in the other agreements that have been mentioned above, and a special mechanism for "prevention of incitement" was established, as it was clear to all parties that incitement to violence and terrorism gives rise to violence and terrorism, which are likely to constitute an obstacle to the application of the peace treaty. The "Joint Israeli-Palestinian-American Committee Preventing Incitement" was established in view of the results on the ground, but its effectiveness and its influence were minor.

Dealing with the issue of incitement and "armed struggle" was one of the most important subjects on the Israeli-Palestinian agenda, as the core of the agreements between Israel and the Palestinians involved the consent to allow Palestinian security forces into the Area, consent to the enlistment of personnel into the Palestinian Police, and consent to arm the members of the Palestinian security apparatuses. These consents were given based on the assumption, which was also a fundamental part of the agreements, that the peace treaties **cancelled** any **option of**

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<sup>1</sup> The text of the agreement in English appears on the website of the Ministry for Foreign Affairs at the address <http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/Agreement+on+Gaza+Strip+and+Jericho+Area.htm>

**violent, armed struggle – that is, the use of force for the attainment of political objectives.** Providing a starting point to contest this principle, through the incitement and the indoctrination that are described below, while there were thousands of armed people on the ground who could execute the messages sent to them with respect to the legitimacy of the armed struggle and the delegitimization of Israel's existence at any moment, posed a threat that materialized in the period of the al Aqsa intifada. **Palestinian Security Forces personnel, as set forth above, were the ringleaders of the terrorist acts against Israel.** In the end, the individuals involved in terrorism included hundreds of Palestinian security personnel<sup>2</sup>.

### **The incitement and the indoctrination at the basic level**

#### **Education**

Within the framework of the effort to shape public opinion with respect to the legitimacy of an "armed struggle" (the Palestinian euphemism for "terrorism") and the delegitimization of Israel, the Palestinian Authority enlisted its education system, which preached for these goals.

After the formation of the Palestinian Authority, the Palestinian Ministry of Education established a new curriculum. Starting in the 1999-2000 school year, it started to publish new textbooks for two school grades each year.

Reading these books shows a methodology that is based on a set of messages that are hostile to Israel and that are interconnected to and complement one another:

#### **Denial of Israel's right to exist.**

Israel is an entity that was born out of sin. The Balfour Declaration, was claimed to be written by a party that did not own the land and which gave the land to a party that was not entitled to receive it<sup>3</sup>. Another statement claims that the Canaanites were in fact Palestinians and that the Israelites evicted them back then<sup>4</sup>.

The books ignore the existence of Israel, and the existence of Judaism in the region is not mentioned by name alongside Christianity and Islam<sup>5</sup>. The cities that are within the State of Israel, as well as mountains and geographic areas, are considered in the textbooks as part of

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2 See intelligence report of the General Security Service, summary of 4 years of confrontation, page 30; published in <http://www.shabak.gov.il/SiteCollectionImages/%D7%A1%D7%A7%D7%99%D7%A8%D7%95%D7%AA%20%D7%95%D7%A4%D7%A8%D7%A1%D7%95%D7%9E%D7%99%D7%9D/terror-summary-4years-new.pdf>

3 The textbook "National Education" for the seventh grade.

4 The textbook "National Education" for the second grade: the first residents of Palestine.

5 The textbook "National Education" for the third grade.



Palestine<sup>6</sup>. Israel is mentioned in the textbooks only in negative aspects, such as West Bank settlements, Israel's attacks against Palestinian heritage, or polluting the environment<sup>7</sup>.

All these and more lead to a solution that is considered to be essential (as the textbooks used in the Palestinian Authority state), which is:

**The elimination of Israel by way of an armed struggle – a jihad<sup>8</sup>**. Textbooks also preach this. There are many examples.

In addition to the formal education system, the Palestinian Authority also has informal activities whose purpose is to legitimize an armed struggle and also make actual preparations for doing so. The 'political guidance' apparatus of the Palestinian Authority (see further details on this entity below) held "summer camps" each year for tens of thousands of students, in which emphasis was placed on the Palestinian "right" to "1948 Palestine" (i.e. the territories of the State of Israel) and in which **the youngsters learned to use weapons** as a legitimate tool in the struggle.<sup>9</sup>

#### Religious preaching by members of the clergy

Another measure that the Palestinian Authority used at the basic level in order to shape public opinion against Israel and in favor of an armed struggle was reflected in venomous preaching efforts at mosques that gave religious attributes to the struggle against Israel. These sermons were broadcast over the media of the Palestinian Authority. The imams and others serving the mosques are officials of the Palestinian Government's Ministry of Religious Affairs. They have occasionally attacked Israel.

An example of this may be found in the statements of Ibrahim Mudras, who gave a sermon at the Sheikh Ajlin Mosque in Gaza in August 2003, in which he said: "... Blessings be upon you, [members of] the Palestinian People, people of Jerusalem who are sacrificing martyrs to safeguard the identity of the blessed al Aqsa Mosque and its Islamic and Arab identity... The residents of Jerusalem and Palestine are those who protect the existence of the al Aqsa Mosque.

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6 For example, the textbook "General Science" for the second grade: Jaffa is a Palestinian city that is famous for its oranges.

7 The textbook "National Education" for the seventh grade: (Israel tried) to destroy the conceptual (Palestinian) heritage by destruction and theft of Arabic and Islamic manuscripts... and Judaization of sites that are holy to Islam, such as the Ibrahimi Mosque (the Cave of the Patriarchs), and the Bilal bin Rabah Mosque (Rachel's tomb) and Saladin's pulpit at the al Aqsa Mosque.

8 For example, in the textbook "Our Beautiful Language" for the first grade, your martyrs (my homeland), the sons of the land, sowed you in red and in green, I gave you the thing most precious to me, my soul, or the textbook "Review of texts" for the eighth grade: an honorable death is death as a martyr.

9 Bates Nos. P 1:1094-1095.

We bless you, we bless all those who have spilt their blood on this good, pure land. If praying at the al Aqsa Mosque is worth a thousand prayers at another mosque, you must know that a martyr [who falls] on this land is considered more than a martyr anywhere else. Yes, there are traditions that hold that a martyr here [in Jerusalem] is worth 70 martyrs in another place... Every person who is hurt on this land is worth thousands of injured [elsewhere]...<sup>10</sup> (the sermon was broadcast using the Palestinian Authority's media apparatus).

### **The incitement and indoctrination at the immediate, everyday level**

The Palestinian Authority guided the general public in its daily activity using a range of measures that were available to it and for which it was responsible. These measures are reviewed briefly below:

#### **Press and the media**

During the al Aqsa intifada, primarily at its beginning, the press and the media took an active part in rallying the masses to participate in the violent confrontation, justifying the attack on Israel and the Israeli "occupiers". The official Palestinian media expressed its support for the intifada, publishing messages of the various terrorist organizations that called for an armed struggle and so on<sup>11</sup>.

#### **Political Cartoons**

Throughout the reviewed period, venomous political cartoons were published in the official newspapers of the Palestinian Authority, such as Al-Hayat Al-Jadida, against Israel and against its ally, the United States. Some of the political cartoons were of an anti-Semitic character, depicting the Israeli/Jew as someone who enjoyed sipping blood. Many political cartoons justified suicide acts<sup>12</sup>.

#### **Radio and television broadcasts**

The Palestinian television frequently broadcast in this period video clips showing "virgins in heaven" – the reward of every martyr. In one of the video clips, a young man who was martyred and went up to heaven where he met his girlfriend and the other virgins of heaven was shown.

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<sup>10</sup> See MEMRI Report [http://www.memri.org.il/cgi-webbaxy/sal/sal.pl?act=show&id=107345\\_memri&lang=he&dbid=articles&dataid=1519\\_](http://www.memri.org.il/cgi-webbaxy/sal/sal.pl?act=show&id=107345_memri&lang=he&dbid=articles&dataid=1519_)

<sup>11</sup> See examples: article by Yasser Khalil Salah in the official newspaper of the Palestinian Authority ("Alsabah" September 11, 2000). Article in the Al-Hayat Al-Jadida newspaper of August 25, 2002 in praise of the martyrs.

<sup>12</sup> See Political Cartoons, P 1: 3114-3121.

With respect to this Expert Opinion, a video clip glorifying the memory of the suicide bomber Wafa Idris, is of particular importance.<sup>13</sup> (This point will be discussed in greater detail in the discussion of the terrorist attack in which she took part.)

#### Mourning notices in praise of suicide bombers

The official newspapers of the Palestinian Authority served as a stage for mourning notices that praised suicide bombers of all organizations. The mourning notices heaped praise on the suicide bomber and suicide bombing, effectively legitimizing the acts and making the suicide bomber a desirable object and his deed a heroic one.

#### Speeches in praise of acts of terrorism

Arafat, the Chairman of the Palestinian Authority, the Chairman of the PLO and the Chairman of the Fatah, expressed his awe of terrorist activists and presented them on more than one occasion as freedom fighters. On a number of opportunities, Arafat expressed his wish to end his life as a “martyr” and called for “millions of martyrs to pave the way to Jerusalem”.

<sup>14</sup>This Expert Opinion cannot offer a comprehensive study of Arafat’s many speeches after the Oslo Accords in which he insinuated that the armed struggle era was not over. For example, on May 10, 1994, in a meeting in Johannesburg with Muslim leaders, Arafat compared the Oslo Accord to the Treaty of Hudaibiyyah, i.e. a temporary agreement that need not be honored for a long time. In another speech that he gave in a rally in Nablus on June 25, 2000, a few months before the outbreak of the intifada before Palestinian crowds, he threatened to renew the armed struggle: “If we shall sacrifice our souls for Palestine... we are fighting for our lands... and whoever has forgotten must remember the Karameh Campaign, the Beirut Campaign and the seven years of the intifada. We are prepared to strike off everything and begin from scratch...”<sup>15</sup>

**This shows that the Palestinian Authority mobilized all the resources that were available to it to shape Palestinian public opinion, according to which the armed struggle, i.e. terrorism, was both legitimate and necessary, as a means of scoring political goals and achievements against Israel..**

#### Incitement and indoctrination that supported terrorism within the Palestinian security apparatuses

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<sup>13</sup> The suicide bombing carried out by Wafa Idris on January 27, 2002, is one of the attacks that is at the center of this action. See below with respect to the attack and the establishment of the suicide bomber as a Palestinian national heroine and role model.

<sup>14</sup> The Intelligence & Terrorism Information Center: [http://www.terrorism-info.org.il/data/pdf/PDF\\_simuchin\\_492\\_1.pdf](http://www.terrorism-info.org.il/data/pdf/PDF_simuchin_492_1.pdf)

<sup>15</sup> Al-Hayat Al-Jadida, June 26, 2000

This policy of the Palestinian Authority vis-à-vis the Palestinian masses was expressed harshly by the Palestinian Authority preaching for and indoctrinating toward terrorist activity whose intended audience was the Palestinian security forces.

For the purpose of directing the security apparatuses, the Palestinian Authority and the PLO formed the ‘Political Guidance’ Apparatus<sup>16</sup>. This apparatus is responsible for ‘national mobilization’, meaning: shaping Palestinian public opinion in all facets of life. The apparatus was headed by Othman Abu Garbieh, a senior Fatah figure who answered to Arafat. The apparatus was an integral part of the Palestinian Authority and had representatives in all of the security forces and Palestinian government ministries. The apparatus published a number of daily announcements, such as al Aqsa, Falastin Alayum, weekly publications: Alsakhil, Alrai and a monthly journal called Alwatani. The security forces themselves had additional publications, including: a monthly journal called al-Shuhada, belonging to the National Security Forces, the police journal al-Shorta and Humat al-Areen.

The directorate of the National Guidance also published orders of the day for units (this is discussed further below).

All these efforts were intended to “educate” the security personnel for the values that we have seen above in the mainstream education system, i.e. delegitimizing the existence of the State of Israel, describing it as a country of evil, deprivation and larceny, denying any Jewish right to the land, shaping of clear anti-Semitic trends, and of course preaching for terrorist attacks and the value of “Istishhad” (self sacrifice) and more.

A review of publications made of the Political Guidance Apparatus shows that in the period reviewed, the al Aqsa intifada period, and even earlier, these publications were a platform for wild incitement against Israel and the results of this incitement were evident in the widespread mobilization of Palestinian Authority security forces personnel for carrying out cruel terrorist acts against in Israel and in the territories.

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16 Wafa, the official Palestinian news agency, the section dealing with information of the official media outlets, devotes a significant chapter to the Political Guidance Apparatus as follows: the Political and Moral Guidance [Directorate] (also called Political Commission) was formed in the early 1970s within the Palestinian Revolution Forces (of the PLO) in the Lebanese theater [the directorate was formed] for the purpose of national mobilization, for political guidance of soldiers and cadres of the revolution. After the cadres of the PLO returned to the homeland in 1994, this apparatus was reestablished, to serve as a national source of authority to act for the personnel of the security apparatuses, police and other apparatuses, to maintain the (level of) functioning, behavior and consciousness of the spirit of the tasks of independence. See

<http://www.wafainfo.ps/atemplate.aspx?id=2337>; <http://www.wafainfo.ps/atemplate.aspx?id=5139>

In accordance with that which has been set forth above, the values for which the Guidance Apparatus preached were very similar to those that we have seen in the education system, but whereas in the case of textbooks, the Palestinian Authority tried from time to time to slightly soften some of the messages, primarily due to outside scrutiny (from American and European quarters) that was aimed at it, following complaints from various Israeli elements, in the Political Guidance publications, all kid gloves were removed and the condemnation of Israel and the Jews was venomous and vicious.

Below are a number of examples of expressions in the publications of the Political Guidance Apparatus that were intended to establish public opinion in support of terrorism and its perpetrators:

#### A. Forming an illegitimate image of Israel and the Jews

“Watani”, Edition 39/40, February-March 2011, page 77: “The shameful crimes”. An opinion piece by Dr. Abed al-Badia Araq. The writer of the article describes settlers and IDF soldiers in vicious words: “Their presence on our land is a crime, **the establishment of their foreign country on our land is a crime**, their policy is a crime, their speech is a crime and every indescribable thing that they do is a crime against humanity”.

The ‘Letter of Opinion’ section in this edition, edited by Muhammad Almadhoun, stated about Jews that whenever they sign a contract, a group of them throws it away. Almadhoun cited verses of the Koran as evidence of this.

The periodical al-Shuhada (a word meaning ‘holy martyrs’, the plural of *shahid*), between September 2001 and May 2003 (Editions 41-51), published an entire series of articles dedicated to quotations from the Protocols of the Elders of Zion and an analysis thereof.

#### B. Dissemination of inflammatory aspersions

“al-Shorta”, Edition 34, July 2000, an opinion piece on the subject of Jerusalem by the head of the National Political Guidance Apparatus, Mazen Izz Al Din, pages 22-24: “In 1988, the Zionist Movement held a conference and made a number of decisions that were intended to **protect the Jewish extremists who walk inside the al Aqsa Mosque, to allow them to bear arms in mosques, to swear at the Muslim workers in the al Aqsa Mosque and to interrupt them in their work**, to disrespect and hurt the feelings of the Muslims, to distribute leaflets calling them to expel the Arabs from the Temple Mount and build the Third Temple, **and carry liquor inside the Temple Mount, ...**” – **these fanciful statements are of course an obvious attempt to give the confrontation a religious character and fuel the flame of emotions based on this.**

“Watani”, Edition 39/40, February-March 2001, page **99**. “Israel and the bacterial war” by Yassin Yassin: “Israel not only harms the Palestinian but also damages the environment and animals. Recently, large and highly aggressive cats and dogs have been observed in the Palestinian areas. They carry many diseases, which endangers the animals in Palestine... This phenomenon must be investigated by international organizations... Israel... **acted to spread AIDS in Egypt and sent wolves and pigs into the Palestinian Territories during the great intifada with the aim of terrorizing Palestinian citizens**”.

C. The legitimacy of the violent struggle against Israel

“al-Shorta”, November 2002, Edition 38, page **37**. An open letter from Yasser Arafat to the Commissioner of the Police, Aazi Aljabali: “Best wishes for the Ramadan festival”. The letter contains words of incitement and support for the intifada: “I thank you for the **warm wishes** for the blessed Ramadan festival and (for the warm wishes) **for our Palestinian People, which is continuing the praised intifada** for the third month running, **while sacrificing many martyrs and everything it holds precious**, in order to put an end to the Israeli occupation of our holy land and to establish our state of Palestine and its capital al Quds [Jerusalem]”.

“Watani”, Edition 45, December 2001, opinion piece, “The campaign of the Palestinian People continues”, by the chief assistant to the head of the directorate, pages 2-3. The writer of the article **praises and blesses the intifada and the legitimate resistance**, as he puts it, and shows a number of positive results of this intifada.

“Watani”, Edition 45, December 2001, pages 11-12, an interview with the assistant head of the Political Guidance and National Directorate, who said that **the first motive for the phenomenon of terrorism is occupation**, the wrongdoing, the oppression and the wish to take control of somebody else’s money. He added that **there is a difference between terrorism and legitimate resistance to occupation**, and that the latter is worse than terrorism.

D. Glorifying self-sacrifice (in Arabic: Istishhad) for the advancement of political aims and the intifada

al-Shorta, August 2000, Edition 35, page **16**, an article by Kamal Abu-Isa, who cites the Commissioner of the Police Ghaazi Aljabali. Within his speech at the Arafat Police Academy on August 16, 2000: “We have learned that **the Zionist enemy understands nothing but the language of force, we have learned this through the confrontations of the Palestinian Revolution, which is the praised intifada, and through the sacrifices of our leaders Abu-Jihad and Abu Iyad and others. We are the people of a hundred thousand martyrs and a hundred thousand prisoners and a hundred thousand injured. We shall continue the way of the martyrs and protect our state, Jerusalem is ours.**”

“al-Shorta”, October 2000, Edition 37, an opinion piece on the intifada by Major Zahir Alkhalidi, pages 29-30. **“Praise be upon you, martyrs of the intifada and martyrs of al Quds”**. The writer of the article praises the intifada of the Palestinian People and **praises the martyrs** who fell in Nablus, in Tulkarm, in Khan Yunis, in Jerusalem and within the State of Israel: in Um Al Fahm, in Jaffa and in Nazareth.

“al-Shorta”, November 2000, Edition 38, an opinion piece on martyrs and Jerusalem, by the Head of the National Guidance, Mazen Izz Al Din, “The Martyrs are sons of the independent Palestinian state whose capital is al Quds [Jerusalem]”, pages 27-28. The writer of the article praises and glorifies the intifada and the martyrs of the uprising. He calls it the intifada of independence and liberation.

“Watani”, Edition 39/40, February-March 2001, “The shameful crimes”, an opinion piece by Dr. Abd Albadia Arak, page 77: praises the martyrs who have fallen for Palestine and states that it is fitting and proper to sacrifice ourselves for our homeland.

“Watani”, Edition 39/40, February-March 2001, pages 10-11, Brigadier Salim Alwadia, Abu Salem, the Deputy Director of the Political and National Guidance Apparatus. Interview titled: “Our people responds to the aggression and is steadfast in its goals. **A clear, honest Arab stance against normalization is required**”. Pages 17-19. **“It is our duty as Palestinians** to act with intelligence, stay level headed **and continue to support the intifada**”... “We are all prepared to sacrifice our lives for God (Istishhad), for the homeland and for its liberation from impurity, regardless of the number of sacrifices”... “We are now as Tariq Ibn Ziyad (a Muslim military leader of the Umayyad period) said: “The sea is behind you. The enemy is in front of you. **Either we shall die or we shall win**”.

**In conclusion, this wild incitement and indoctrination of the Palestinian security forces were indeed reflected in the terrorist incidents that are known as the al Aqsa intifada. As we shall see in the analysis of the attacks that are at the center of this action, members of the Palestinian security forces were leading figures and initiators of the terrorist attacks. Others located and dispatched suicide bombers to missions of murder within Israel while others oversaw the assembly of death bombs and transport of terrorists to their designations. While the incitement on the general national plane formed an atmosphere of support for terrorism and its perpetrators, the harsh incitement messages of the security apparatuses became an action plan that hundreds of operatives from those apparatuses executed in the form of cruel terrorist attacks.**

#### **Military training prior to terrorist attacks**

Besides shaping Palestinian public opinion in general, and the opinion of security apparatus elements in particular, the security forces of the Palestinian Authority undertook practical preparations to train young operatives for military terrorist activity. In the summer



months of 2000 (and in prior years as well), dozens of summer camps were held for young people throughout the territory of the Palestinian Authority, within the framework of which thousands of young people were trained in the use of weapons and the attack of Israeli soldiers and settlers, by throwing stones and throwing improvised firebombs.

In addition, military courses were reported as being held for “Shabiba” activists of the Fatah Organization, in cooperation with the National Security and Military Intelligence Apparatuses of the Palestinian Authority<sup>17</sup>. Al-Hayat Al-Jadida newspaper<sup>18</sup> reported about a ceremony that the General Training Directorate had held at the end of an Iman Nassar course for prisoners (released prisoners who were to join the security forces). A senior officer gave a speech in praise of prisoners and said “The prisoners lifted high the flag of sacrifice and today they are completing the battle of construction and foundation”...<sup>19</sup>

It should be emphasized that former prisoners who had been recruited into the ranks of the police were involved in a number of attacks that are in the center of this claim. Details on this matter shall be set forth below.

## **CHAPTER B: The Relationships Among the Palestine Liberation Organization – the Palestinian Authority – Fatah**

### **1. The PA is the Executive Arm of the PLO**

The source of authority for the existence of the Palestinian Authority is the Palestine Liberation Organization (PLO), and in effect, the political agreements (the Oslo Accord and its concomitant agreements<sup>20</sup>) that were signed between Israel and the PLO. Pursuant to the Oslo Accords, the PA was established in order to serve as the governing authority over parts of the West Bank and the Gaza Strip with a certain degree of control in those areas. Thus, the PA’s very existence is derived from the PLO, with which it shares leadership. Indeed, the head of the PA has always been the same as the head of the PLO (and the head of the PLO has always been

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<sup>17</sup> Filastinuna, September 17, 2000

<sup>18</sup> Al-Hayat Al-Jadida, February 10, 2000

<sup>19</sup> Such military courses also continued during the years of the intifada. See *e.g.* the decision by the Tel Aviv District Court in Civil File 1047-04 (Tel Aviv District Court), **Estate of Mentin *et al.* v. Bezeq *et al.*** (February 26, 2013).

<sup>20</sup> See for example:

**Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip**  
**Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip September 28, 1995**

The Government of the State of Israel and the Palestine Liberation Organization (hereinafter “the PLO”), the representative of the Palestinian people...



the head of its largest political faction, Fatah.<sup>21</sup>) Thus, both in accordance with the Oslo Accords, and because as a factual matter the PA is politically controlled by and subordinate to the PLO, the PA is in effect the executive arm of the PLO. Therefore, the actions and policies of the PA described herein, including those of its security forces, were carried out, formulated and maintained with and subject to the approval of the PLO, and for the benefit of the PLO, and reflect the PA's implementation of the PLO's goals and policies.

## **2. The PA Provided Various Types of Support to Fatah During the Intifada Years When Fatah was Openly Involved in Terrorism**

- During the intifada the PA provided funds and military training to Fatah and Fatah cadres, without which Fatah's ability to operate and carry out attacks, including attacks at issue in this case, would have been severely limited.<sup>22</sup>
- During the intifada the PA also allowed Fatah to operate offices and facilities in Area A of the West Bank, without which Fatah's ability to operate and carry out attacks, including the attacks at issue in this case, would have been severely limited.<sup>23</sup>

The PA provided this funding, training and geographic platform to Fatah, despite the fact that Fatah was openly involved in carrying out terrorist attacks during this period.

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21 For an example of the functioning of effectively unified role of President of the Palestinian Authority and Chairman of the PLO, see: the Judiciary Law, No. 1, 2002, starting with the words:

"The Chairman of the Executive Committee of the Palestine Liberation Organization,  
The President of the Palestinian National Authority: Having reviewed....."

<http://books.google.co.il/books?id=rqMDPk5yxmoC&pg=PA326&lpg=PA326&dq=palestinian+national+authority+budget+2002&source=bl&ots=NhDOZz3VZY&sig=F3WnuRQ5ZWYRorbfeqbY-AM3p18&hl=iw&sa=X&ei=Tg8KUf6gAYmYhQfZ3YC4Bw&ved=0CDcQ6AEwAg#v=onepage&q=palestinian%20national%20authority%20budget%202002&f=false>

22 See the attack in the neighborhood of French Hill on June 15, 2002, which is part of this action and was mentioned in *Tested by Zion, The Bush Administration and the Israeli-Palestinian Conflict*, Elliot Abrams, Cambridge University Press p.41. Also, testimonies of transfers of funds from the Head of the Fatah Tanzeem, Al-Barghouthi, who was also a member of the Palestinian Legislative Council and a close colleague of Arafat, to terrorist elements of the Fatah, appear throughout this Expert Opinion; Falastinana, Edition No. 14 of September 17, 2000, which discusses three military courses that were held in Gaza for 150 Fatah Youth members; Filistinuna, Edition No. 18 of July 31, 2000, discussing political direction camps that were held along with the Fatah Movement, which also trained participants in the use of arms, etc.

22 See for example Documents Nos. 02:009507, 02:009546, 02:007896, 02:007897, 02:009412, 02:009624, 02:009555.

<sup>23</sup> See PASSIA Directory for relevant years.

The PA was well aware that Fatah was carrying out terrorism during this period because, for example: Fatah was a leading part of the “National and Islamic Forces,” a sort of “steering committee” for the intifada which included representatives of all the Palestinian terrorist factions including Hamas, the Islamic Jihad and the PFLP; Fatah, along with the other factions in the “National and Islamic Forces,” published hundreds of “proclamations” during the intifada many of which supported terrorism; Fatah chief Marwan Barghouti openly advocated and supported terrorism, and other Fatah leaders such as Nasser Aweis and Ahmed Barghouti openly advocated and carried out terrorist attacks; and scores if not hundreds of leading Fatah operatives were killed or arrested in the context of carrying out terrorist attacks.<sup>24</sup>

## CHAPTER C:

### The Attacks at Issue in this Case

As we have seen thus far, during the period at issue the Palestinian Authority maintained a policy of support for terrorist attacks and their perpetrators on a number of levels. This chapter will discuss how the Palestinian Authority practiced what it preached – that is, how it was involved in the terrorist attacks at issue in this case, and supported the perpetrators of the attacks.

#### **I. Terrorist Suicide Attack on Jaffa Road in Jerusalem on January 22, 2002**

On January 22, 2002, a terrorist suicide attack was carried out on Jaffa Road, at the corner of Luntz Street, in downtown West Jerusalem. The suicide terrorist who carried out the attack, Said Ramadan,<sup>25</sup> a member of the Palestinian Authority’s Marine Police, opened fire with an assault rifle on passersby, killing two women and wounding over 45 other people, including plaintiffs Shayna Gould and Shmuel Waldman. Ramadan was shot and killed by policemen who arrived upon the scene.

Five of the men who planned and executed this terrorist attack were, like Said Ramadan, members of the Palestinian security forces: Nasser Aweis, Ahmed Barghouti, Majed al-Masri, Mohammed Mousleh and Ibrahim Abdel Hai. Some of these men were also Fatah leaders and commanders, as were other participants in the attack.<sup>26</sup>

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<sup>24</sup> See P1-3034; P 1-3035; Conviction and sentencing decisions of Marwan Barghouti, Nasser Aweis and Ahmed Barghouti; The PA publication *Al Aqsa Intifada: Diary and Documents* (يوميات انتفاضة الأقصى) (يوميات الانتفاضة) (also known as *Diaries of the Intifada*)).

<sup>25</sup> See profile, below.

<sup>26</sup> See profiles, below.

The verdicts and sentencing documents relating to the attack indicate that Nasser Aweis, who served as an officer in the Palestinian Authority's National Security Force<sup>27</sup> and concurrently as a Fatah "military" commander in Nablus and the Samaria region,<sup>28</sup> interviewed Ramadan prior to the terrorist attack, armed him with an M-16 rifle and magazines, and arranged his transportation to the scene of the attack.

Ahmed Barghouti served in the Palestinian Police,<sup>29</sup> as a driver and bodyguard for Fatah leader Marwan Barghouti and as a commander, in the Ramallah region, of Fatah's "military wing," the al-Aqsa Martyrs' Brigades.<sup>30</sup> Ahmed Barghouti assigned Nasser Aweis to find a terrorist to carry out the attack (i.e. Ramadan), and ensured the provision of the weapon and ammunition to Ramadan and his transport to Jerusalem to carry out the attack.<sup>31</sup>

Majed al-Masri served as an officer in the Palestinian Police,<sup>32</sup> in the Nablus district. He photographed Ramadan prior to his departure to carry out the terrorist attack, with the latter holding an M-16 rifle and the Quran, and dispatched him on his final journey.<sup>33</sup>

Mohammed Mousleh was employed by the Palestinian Authority's Legislative Council, and according to his testimony also served, with pay, in the Palestinian Authority's Preventive Security Service.<sup>34</sup> Mohammed Mousleh was Ahmed Barghouti's right hand man in all aspects of preparation for the said terrorist attack. Thus, Mousleh ensured all the logistic needs for Ramadan prior to his departure for the attack: food, clothing, haircut, and weapon, as well as coordinating his transportation from Ramallah to Jerusalem.<sup>35</sup>

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<sup>27</sup> See Document No. 02:009545; the Palestinian Authority itself attests to this in Document No. 02:009532.

<sup>28</sup> See Court File 1137/02, ruling dated May 5, 2003, against Nasser Aweis, in *State of Israel v. Nasser Aweis*, Tel Aviv District Court, p. 1, para.1.

<sup>29</sup> See Documents Nos. 02:008961 through 02:008963, Document No. 02:008965.

<sup>30</sup> See Court File 3459/02, ruling dated July 30, 2003, page 1, line 27.

<sup>31</sup> See Court File 3459/02, ruling dated July 30, 2003, pages 1-6

<sup>32</sup> See Court File 5398/03, verdict dated June 28, 2005, page 10, lines 35-55, and also ruling dated February 6, 2005, page 4, lines 9-11

<sup>33</sup> See Court File 5398/03, verdict dated June 28, 2005, page 13, lines 23-47

<sup>34</sup> Regarding his service in the Palestinian Preventive Security Service, see his police testimony dated February 25, 2005, page 1, lines 17-27; on his service as a driver for the Legislative Council and as a government official, see Documents Nos. 02:009576 and 02:009287

<sup>35</sup> See Amended Indictment submitted by agreement, Court File 3250/02, dated January 12, 2003, pp. 11-13.

Ibrahim Abdel Hai served together with Said Ramadan in the Palestinian Authority's Marine Police, made the connection between Ramadan and Nasser Aweis, and helped prepare Ramadan to carry out the attack.<sup>36</sup>

In this instance, as in others, we see here a murderous terror attack, in which two people were killed and over 45 others wounded, with the terrorists constituting the nucleus of the cell that executed the attack, including the suicide terrorist himself, serving in various capacities in the security forces and institutions of the Palestinian Authority.

Analysis of the individual profiles of the six Palestinian Authority officers involved in this attack<sup>37</sup> indicates a positive and supportive attitude on the part of the Palestinian Authority toward the attacks and their perpetrators, as discussed below:

**1. Ignoring the criminal or terrorist history of those involved in the terrorist attack, prior to their commencing employment, and during their service before the attack**

The security and criminal background of some of those involved in this terrorist attack was known to the Palestinian Authority which, notwithstanding the seriousness of their activities, recruited them into the ranks of its security forces. Indeed, the evidence indicates that these men were recruited into the PA security forces because of their prior records, and that

[REDACTED] The PA held the past terrorist activities of these men to their credit by [REDACTED]

[REDACTED] Thus, for example, Majed al-Masri was in an Israeli prison for four years (1987-1991) for terror activity,<sup>38</sup> and was even expelled from the region in July 1992 due to that activity,<sup>39</sup> but [REDACTED]

[REDACTED] Nasser Aweis was also imprisoned by Israel, as early as 1986, for security offenses, and was sentenced to four year in prison.<sup>40</sup> In July 1992 he was expelled to Jordan for three years, for terrorist activity.<sup>41</sup> In this instance, too, [REDACTED]

In addition to this, all of the five – Majed al-Masri, Nasser Aweis, Mohammed Mousleh, Ahmed Barghouti and Ibrahim Abdel Hai – were involved in serious terror activity in the years preceding the terrorist attack, while serving in the ranks of the Palestinian security forces, with

<sup>36</sup> See Documents Nos. P:8-81-99.

<sup>37</sup> See below.

<sup>38</sup> See Red Cross Documents Nos. 02:009492-02:009493.

<sup>39</sup> See Document No. 02:009498. He apparently returned to the West Bank following the Oslo Accords.

<sup>40</sup> See Court File 1137/06, ruling dated May 5, 2003, and verdict dated May 1, 2003.

<sup>41</sup> See Documents Nos. 02:009297, 02:009301.

the Authority taking note of the actions taking place under its watchful eye. Moreover, the acts of terror that they carried out earned the blessing and assistance of senior figures in the Palestinian Authority, such as Marwan Barghouti, who at that time served as a member of the Palestinian Legislative Council and as head of Fatah in the West Bank. Moreover, Nasser Aweis' name appeared in the list of wanted senior terrorists which the United States envoy, General Zinni gave to the PA in December 2001.<sup>42</sup> Yasser Arafat personally admitted receiving that list.<sup>43</sup> I am aware of no evidence that the PA ever arrested Nasser Aweis; in any event any such arrest had to have been short-lived (since Aweis was free and organizing terrorist attacks as of early 2002) and, moreover, the PA continued to employ and pay Aweis his salary without interruption, even after receiving the Zinni list.

## **2. Material support for the terrorists who carried out the terrorist attack, and their families**

All of those involved in this terrorist attack, and/or their families, enjoyed, and continue to enjoy, generous monthly financial support. The family of the suicide terrorist continued to receive his police salary for some months following the terrorist attack. In parallel, they received – and continue to receive – a generous monthly pension (more than double his salary when he was alive). Furthermore, the suicide terrorist was given a promotion, from the date of the terrorist attack, for carrying it out.<sup>44</sup>

The other four involved continue to receive salaries, which increase from time to time in line with the promotions they receive, even while being in jail. Thus, for example, Majed al-Masri was promoted through the ranks up to the level of *Aqid* (=Colonel), with his promotion influenced principally by his terrorist activity. Ahmed Barghouti, who was not an officer at the time of his arrest, reached the rank of Captain during his stay in prison, skipping two prior ranks on the scale.

Nasser Aweis was also rapidly promoted to the rank of *Aqid* (=Colonel), while serving his prison term, and he too (like Majed al-Masri) skipped the rank of *Maqadam* (=Lieutenant-Colonel). Some of the ranks awarded to these terrorist were honorary ranks.<sup>45</sup> Mousleh, who served in the Palestinian Authority as a driver and escort, did not miss out. While in prison he

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<sup>42</sup> See [www.mfa.gov.il/MFA/Government/Communiques/2002/Most+Wanted+Terrorists+-+Status+Report+-+22-Apr-20.htm](http://www.mfa.gov.il/MFA/Government/Communiques/2002/Most+Wanted+Terrorists+-+Status+Report+-+22-Apr-20.htm) .

<sup>43</sup> See Document No. P:1-3033.

<sup>44</sup> See the detailed individual profile.

<sup>45</sup> Regarding the military promotions received by all those involved in this terrorist attack, see details in the individual profiles below.

was promoted on the civilian scale up to level B, a senior administrative rank on the civil administration scale.<sup>46</sup>

Of particular note is the fact that the [REDACTED]

### 3. Positive attitude of the Palestinian Authority toward the terrorists

In official Palestinian Authority documents, the men involved in this attack are described as “fighters,” and their acts of terror are defined as “**fulfilling a national duty**.” This is stated in PA documents relating to Said Ramadan, the suicide terrorist.<sup>48</sup> Majed al-Masri is described by the PA as being under detention in a prison of the occupation for **his national struggle**.<sup>49</sup>

These men [REDACTED]

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#### Comment

I note that, in the group responsible for this attack, there are a number of figures (Majed al-Masri, Nasser Aweis, and to a certain extent also Ahmed Barghouti (who acted as Marwan Barghouti’s aide) who very much reflect the identity between the Palestinian Authority, in which they served as members of the security forces, and the Fatah movement, in which they concurrently served in senior positions. Holding two positions simultaneously made it easier for these people to carry out their terrorist activity undisturbed. Each of the positions that they held gave them advantages that facilitated their terror activities (such as access to weaponry, ammunition and combat materials to which they had access, due to their service in the security apparatus, and funds and logistical support that they enjoyed as a result of their ties with Fatah).

<sup>46</sup> See his detailed individual profile.

<sup>47</sup> See Document No. 02:008967.

<sup>48</sup> See his detailed individual profile, below.

<sup>49</sup> See his detailed individual profile.

<sup>50</sup> I have not been provided with any documentation regarding Abdel Hai’s post-attack status in the PA.

## Profiles of the Palestinian Authority Security Officers

### Who Carried Out the January 22, 2002 Attack

#### NASSER AWEIS

##### **Introduction**

Nasser Mahmoud Ahmed Aweis, Identity Card No. 900358664, born on January 11, 1970, single,<sup>51</sup> resident of Balata in the Nablus area.<sup>52</sup> He commenced employment with the Palestinian National Security Forces [REDACTED],<sup>53</sup> [REDACTED] first arrest by Israel, following which he was imprisoned for four years.<sup>54</sup>

Aweis was convicted in the Tel Aviv District Court, inter alia, of the planning and execution of the suicide terrorist attack in Jaffa Road, Jerusalem,<sup>55</sup> on January 22, 2002.<sup>56</sup> In this terrorist attack, the suicide terrorist, Said Ramadan,<sup>57</sup> opened fire on passersby, causing the deaths of two of them, and injury to over 45 others, among them Shayna Gould and Shmuel Waldman, American citizens who were wounded in this terrorist attack, and who are among the plaintiffs in this case. Aweis was arrested by Israel, for this terrorist attack, on April 13, 2002.<sup>58</sup> He was convicted at trial and sentenced to 14 terms of life imprisonment and a further 50 years imprisonment.<sup>59</sup>

At the time of the terrorist attack, Nasser Aweis was serving in the Palestinian security forces,<sup>60</sup> as were others in the cell responsible for the said terrorist attack, among them: Ahmed Barghouti, Mohammed Mousleh, Majed al-Masri, Ibrahim Abdel Hai and Said Ramadan.<sup>61</sup> Concurrent with his employment by the Palestinian Authority, Aweis was a military commander of Fatah in the Nablus and Northern Samaria region. He was directly subordinate to Marwan Barghouti, who was subordinate to Yassir Arafat, president of the Palestinian Authority and

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<sup>51</sup> See Documents Nos. 02:009545, 02:009416.

<sup>52</sup> See Document No. 02:009304

<sup>53</sup> See Documents Nos. 02:009416, 02:009545

<sup>54</sup> See Document No. 02:009296

<sup>55</sup> See Court File 1137/02, sentence dated May 5, 2003, page 2.

<sup>56</sup> A detailed description of the terrorist attack is provided in a separate chapter.

<sup>57</sup> See the profile of Said Ramadan, in a separate chapter.

<sup>58</sup> See Documents Nos. 02:009300, 02:009296, 02:009297.

<sup>59</sup> See Court File 1137/02, sentence dated May 5, 2003, page 7, paragraph 10.

<sup>60</sup> See Document No. 02:009545. The Palestinian Authority itself attested to this in Document No. 02:009532.

<sup>61</sup> See separate profiles of these persons.



chairman of the PLO.<sup>62</sup> Aweis conducted suicide and terror attacks within the Fatah framework. Indeed, Aweis started and stopped his attacks upon the instructions of Fatah leader and PA legislator Marwan Barghouti, and in accordance with the current political needs of the PA.<sup>63</sup>

## Chronology

### a. Additional criminal and terrorist background

Aweis was arrested by Israel in 1986,<sup>64</sup> and was convicted of membership in an unlawful (i.e. terrorist) association, production of weapons and ammunition, and disorderly conduct; he was sentenced to four years imprisonment.<sup>65</sup> His imprisonment [REDACTED] (which in fact preceded the creation of the PA by 8 years).

Palestinian Authority documents indicate that it [REDACTED]

<sup>67</sup>

In 2000, Aweis again began planning and carrying out terrorist attacks against Israeli and Jewish targets, among them – in addition to the terrorist attack that is the basis of the present case – the following terrorist attacks: the terrorist attack at the Seafood Market restaurant in Tel Aviv on March 5, 2002, in which three people were killed and dozens wounded; the terrorist attack at a wedding hall in Hadera on January 17, 2002, during which six people were killed and dozens of others were wounded; the terrorist attack in Netanya on March 9, 2002, during which a year-old baby was killed and dozens of others were wounded; a mass terrorist attack on March 30, 2002, which was prevented when the terrorists encountered, on their way, a police unit, killing one policeman and wounding another; a mass terrorist attack which was prevented after the two suicide terrorists were arrested at an Israel Defense Forces checkpoint; and other terrorist

<sup>62</sup> In his interrogation, which he later retracted, although it was included in the Marwan Barghouti verdict, Aweis stated that “following the outbreak of the al-Aqsa Intifada, in September 2000, he began carrying out terrorist attacks against Israeli targets, and at the same time worked for the Palestinian National Security Forces in Nablus, with the rank of Major (*Naqib*).” Court File 1158/02, verdict dated May 20, 2004, page 11, paragraph 20.

<sup>63</sup> See Court File 1137/02, verdict and sentencing decisions dated May 1 and May 5, 2003. As to Fatah’s involvement in the January 22, 2002 terrorist attack, see also *Time Magazine*, January 27, 2002, “Inside Arafat’s Bunker,” by Matt Rees, in which it is reported that the terrorist attack was carried out in response to the siege imposed on Arafat, and that it had been preceded by a warning, the day before, by Fatah personnel, that should the siege not be lifted, they would respond with a terrorist attack.

<sup>64</sup> See Documents Nos. 02:009296, 02:009302.

<sup>65</sup> See Court File 1137/02, sentence dated May 5, 2003, page 4.

<sup>66</sup> See Red Cross Document No. 02:009302.

<sup>67</sup> See Documents Nos. 02:009301, 02:009297.



attacks. Aweis also carried out shooting attacks against Israel Defense Forces soldiers, and provided weapons to other operatives.<sup>68</sup>

**b. Nasser Aweis' official status within the institutions of the Palestinian Authority prior to his arrest (April 13, 2002)**

Aweis [REDACTED]

69

According to [REDACTED]

72

**Palestinian Authority support for Aweis' terrorist activities**

**a. Documents indicating the Palestinian Authority's awareness of the United States demand for his arrest and his later arrest by Israel**

The Palestinian Authority was [REDACTED]

In December 2001, United States General Zinni gave the Palestinians a list of the 33 terrorists most wanted by Israel with a request that the PA arrest them. Nasser Aweis' name was on the list.<sup>73</sup> Yasser Arafat admitted receiving that list.<sup>74</sup> I have no reason to believe that the PA

<sup>68</sup> See Court File 1137/02, sentence dated May 5, 2003, pages 2-3, and verdict dated May 1, 2003, pages 25-37.

<sup>69</sup> See Document No. 02:009416.

<sup>70</sup> See Documents Nos. 02:004476-02:004478, and also [REDACTED]

[REDACTED] - 02:009049.

<sup>71</sup> See Documents Nos. 02:009049, 02:009416.

<sup>72</sup> See Documents Nos. 02:004476-02:004478.

<sup>73</sup> See [www.mfa.gov.il/MFA/Government/Communiques/2002/Most+Wanted+Terrorists+-+Status+Report+-+22-Apr-20.htm](http://www.mfa.gov.il/MFA/Government/Communiques/2002/Most+Wanted+Terrorists+-+Status+Report+-+22-Apr-20.htm) .

<sup>74</sup> See Document No. P:1-3033.

ever arrested Nasser Aweis; any such arrest would have been brief, since Aweis was on the street organizing terror attacks by early 2002. And in any case, the PA [REDACTED] after receiving the Zinni list.

According to a letter of the Red Cross, dated October 2003, the Palestinian Authority also knew of his arrest by Israel on April 13, 2002, and of the term of life imprisonment to which he was sentenced.<sup>75</sup>

b. [REDACTED]

From documents provided for our review, it turns out that Aweis [REDACTED]

c. [REDACTED]

d. Attitude of the Palestinian Authority toward the prisoner and his actions

The attitude of the Palestinian Authority toward Nasser Aweis, as with other terrorists mentioned in this opinion, is reflected in the fact that the Palestinian Authority [REDACTED]

The many murderous terrorist attacks led by Aweis were credited to him by the Palestinian Authority as part of what is referred to in its documents as the “national struggle.”<sup>79</sup>

The PA has also portrayed and praised Nasser Aweis as a hero in broadcasts on Palestinian Television.

<sup>75</sup> See Document No. 02:009300

<sup>76</sup> See Documents Nos. 02:008967, 02:009303

<sup>77</sup> See Documents Nos. 02:009416, 02:009545

<sup>78</sup> See Document No. 02:009545. [REDACTED] – see the profile on Majed al-Masri. See also the [REDACTED] 02:009632.

<sup>79</sup> See Document No. 02:009304

## Conclusion and Comments

Nasser Aweis and his activities and status within the PA embody the integration between the Palestinian Authority and the Fatah and its terror cells. This is reflected in his service as an officer in the Palestinian security forces, both before and after his imprisonment, and his role as a Fatah military commander in the northern part of the West Bank. Aweis was under the command of his superiors in the security forces and of Fatah leader Marwan Barghouti.

Given this background, the connection between his terror activities and [REDACTED] is clear.

A marked example is [REDACTED]

It should be noted that, throughout his imprisonment, Aweis – like others – has been officially considered as being in the ranks of the Palestinian security apparatus. Accordingly, [REDACTED]

The PA's disregard for the official request of U.S. envoy Zinni in December 2001 to arrest Nasser Aweis in order to put an end to his terrorism, all the while [REDACTED] exemplifies the PA's support for terrorism by members of its security forces.

Also, had the PA arrested Nasser Aweis, as the U.S. requested, this terrorist attack (and many others) would have been prevented. And if the PA had at least fired Aweis and [REDACTED] his ability to carry out the attack would have been seriously reduced.

## AHMED TALEB MUSTAFA BARGHOUTI

### Introduction

Ahmed Taleb Mustafa Barghouti, Identity Card No. 994466860, date of birth: March 15, 1997, single, place of residence is Ramallah/Al-Bireh.<sup>80</sup> Joined the Palestinian Police [REDACTED]<sup>81</sup>

Convicted, *inter alia*, of responsibility for the suicide attack on Jaffa Road in Jerusalem on January 22, 2002,<sup>82</sup> when the suicide terrorist Said Ramadan<sup>83</sup> opened fire on passersby,

<sup>80</sup> See Document No. 02:009537.

<sup>81</sup> See Document No. 02:009538.

<sup>82</sup> A detailed description of the terrorist attack appears as a separate chapter.

<sup>83</sup> See the profile on Said Ramadan, which appears as a separate chapter.

causing the deaths of two of them and the wounding of more than 45 others, including Shayna Gould and Shmuel Waldman, who are among the plaintiffs in this case.

Ahmed Barghouti conceived the deadly terrorist attack, gave Nasser Aweis the task of finding the terrorist, and ensured the provision of weaponry and ammunition, training for the terrorist, and his transport to Jerusalem to carry out the terrorist attack.<sup>84</sup> Barghouti was arrested by Israel on April 15, 2002,<sup>85</sup> was convicted and was sentenced to 13 terms of life imprisonment for his part in this terrorist attack and in other terrorist attacks in which 12 civilians were murdered and injuries were caused to dozens of others.

Ahmed Barghouti was, at the time of the terrorist attack, a member of the Palestinian security forces in the Ramallah district; he served in the Palestinian Police,<sup>86</sup> and at the same time was also the commander, in the Ramallah district, of Fatah's al-Aqsa Martyrs' Brigades.<sup>87</sup>

## Chronology

### a. Additional Criminal and Hostile Activity – Background

Ahmed Barghouti was the head of Fatah's al-Aqsa Martyrs' Brigades in the Ramallah district (his organizational affiliation as a member of Fatah is reflected in his prisoner file with the Palestinian Authority),<sup>88</sup> and served as the address for the supply of weapons and materiel for terrorists operating in the Ramallah district, including suicide terrorists. He was involved in shooting attacks on the roads in and around Jerusalem, and subsequently began to conceive, plan and execute deadly suicide terrorist attacks in Israel (Jerusalem and Tel Aviv). Separate from the terrorist attack which is the subject of the present case, he was involved, *inter alia*, in the execution of the following terrorist activities: an attempt to carry out a suicide terrorist attack in Jerusalem, which was not executed because the suicide terrorist fled (January 2002); sending four suicide terrorists to carry out a terrorist attack, which failed due to the arrest of two of them by the Israeli security forces prior to its implementation (February 2002); a suicide terrorist attack in Neve Yaakov, Jerusalem, which caused the death of a female police officer and other injuries (February 2002); a suicide terrorist attack at the Seafood Market [restaurant] in Tel Aviv, which caused the deaths of three people and the wounding of dozens of others; and more. He also sheltered and assisted Hamas terrorists Abdullah Barghouti and Bilal Barghouti.<sup>89</sup>

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<sup>84</sup> See the ruling dated July 30, 2003, Court File 3459/02, pages 1-6.

<sup>85</sup> See Document No. 02:008964, and also 02:009546.

<sup>86</sup> See Documents Nos. 02:008961 through 02:008963, Document No. 02:008965, and also Document No. 02:009546.

<sup>87</sup> See the ruling dated July 30, 2003, Court File 3459/02, page 1, line 27.

<sup>88</sup> See Document No. 02:008965.

<sup>89</sup> See Amended Indictment of Ahmed Barghouti, count 51.

**b. His official status within the institutions of the Palestinian Authority prior to the terrorist attack**

Ahmed Barghouti joined the Palestinian Police [REDACTED]

[REDACTED]<sup>92</sup>

Barghouti served as personal driver and bodyguard to Marwan Barghouti, head of the Fatah Tanzim, member of the Palestinian Legislative Council representing Fatah, and General Secretary of the Supreme Committee of Fatah in the West Bank.<sup>93</sup>

**Palestinian Authority support for Ahmed Barghouti following the terrorist attack**

**a. Documents indicating the Palestinian Authority's [REDACTED]**

[REDACTED] he  
[REDACTED]  
of [REDACTED]<sup>94</sup>

According to [REDACTED]

[REDACTED]<sup>95</sup>

b. [REDACTED]

[REDACTED]  
[REDACTED]  
(see above). In the absence of relevant documents,  
[REDACTED]

b. [REDACTED]  
[REDACTED]  
[REDACTED]

<sup>90</sup> See Documents No. 02:009537 and No. 02:009538.

<sup>91</sup> See Document No. 02:009546.

<sup>92</sup> See Documents Nos. 02:008961-02:008963.

<sup>93</sup> See the ruling dated July 30, 2003, page 2, lines 10-14.

<sup>94</sup> See Document No. 02:008965.

<sup>95</sup> See Document No. 02:009546, and also Document No. 02:008964.

<sup>96</sup> See Documents Nos. 02:008961-02:008963.

## Conclusions and Comments

Ahmed Barghouti was a member of the Palestinian Authority's security forces at the time of the January 22, 2002 terrorist attack at issue in this case .

His role as bodyguard to Marwan Barghouti, who was a member of the Palestinian Authority's Legislative Council and head of the Supreme Committee of Fatah in the West Bank, gave Ahmed Barghouti advantages in terms of exercising authority over various terror operatives, logistic ability to obtain weaponry and ammunition to carry out terror activities, and freedom of movement for the purpose of carrying out his terrorist activity. To this we can add the fact (which can be seen from the ruling rendered against him) that Marwan Barghouti himself gave his blessing to Ahmed Barghouti's terror activities and even assisted him in perpetrating them.

The attitude of the Palestinian Authority toward Ahmed Barghouti, given his conviction for murder and terrorism, was and continues to be most positive. Thus, for example, the Palestinian Authority

Similarly, Ahmed Barghouti

## MAJED ISMAIL MOHAMMED AL-MASRI

### Introduction

Majed Ismail Mohammed al-Masri, Identity Card No. 904460862, was born in Nablus on February 15, 1972, married with two children,<sup>97</sup> resident of the Balata/Nablus Refugee Camp.<sup>98</sup> He joined the Palestinian Civil Police

<sup>97</sup> See Document No. 02:008960

<sup>98</sup> See various Red Cross documents, such as: Nos. 02:009499, 02:009500, and others, and also Palestinian Police Document No. 02:009548.

<sup>99</sup> See Document No. 02:008960.

[REDACTED]

He was convicted, *inter alia*, of taking part in the preparation and dispatch of the terrorist for a suicide terrorist attack in Jaffa Road in Jerusalem on January 22, 2002.<sup>101</sup> The suicide terrorist, Said Ramadan,<sup>102</sup> opened fire on passersby and caused the deaths of two of them and injury to more than 45 others, among them Shayna Gold and Shmuel Waldman, American citizens who were wounded in this terrorist attack, and who are among the plaintiffs in this case. Al-Masri was arrested by Israel for this terrorist attack, on November 30, 2002,<sup>103</sup> was convicted, and was sentenced to 10 terms of life imprisonment.<sup>104</sup>

## Chronology

### a. Additional Criminal and Hostile Activity – Background

In addition to the terrorist attack that is central to the present case, Majed al-Masri was involved in a series of deadly terrorist attacks, among them: a terrorist attack in the settlement of Hermesh on October 29, 2002, in which three people were killed and one was wounded; a terrorist attack at Kibbutz Metzger on November 10, 2002, in which five people were killed, among them two small children. He was involved in an attempt to send a suicide terrorist for a terrorist attack that was thwarted by the Israeli security forces in November 2002.<sup>105</sup>

Prior to his hiring by the PA Majed al-Masri was involved in terrorist activity against Israel. According to Palestinian Authority documents and letters from the Red Cross, al-Masri was arrested by Israel on January 21, 1987 for security-related reasons, and was released four years later, on January 20, 1991. On August 6, 1991, al-Masri was again arrested, for security-related reasons, and released on November 18, 1991.<sup>106</sup> On July 17, 1992, al-Masri was arrested by Israel and deported from the area on the same day.<sup>107</sup>

<sup>100</sup> See the final notes in Document No. 02:008960.

<sup>101</sup> A detailed description of the terrorist attack is provided in a separate chapter.

<sup>102</sup> See the profile of Said Ramadan, in a separate chapter.

<sup>103</sup> See Red Cross document, dated May 12, 2005, No. 02:009483, and an additional Palestinian Authority Document No. 02:009482.

<sup>104</sup> See Court File 5398/03, verdict dated February 3, 6, 2005; sentencing dated June 28, 2005.

<sup>105</sup> See Court File 5398/03, sentencing dated June 28, 2005, pages 13-15

<sup>106</sup> See Red Cross Documents Nos. 02:009492-02:009493

<sup>107</sup> See Document No. 02:009498. He apparently returned to the area following the Oslo Accords, [REDACTED]

Al-Masri's

109

Majed al-Masri's involvement in terrorist activity, his arrests and deportation against the background of this activity, and later [REDACTED] did not prevent the Palestinian Authority from continuing his employment with the police, and [REDACTED]

**b. Al-Masri's official status within the institutions of the PA prior to his arrest**

As noted above, Majed al-Masri formally joined the Palestinian security forces

Apparently, the Palestinian Authority administration

According to the documents provided for our inspection, Majed al-Masri

110 He joined the
 111

Al-Masri

Al-Masri worked as an investigations officer with the Nablus police<sup>112</sup> and, accordingly, his [REDACTED]

<sup>108</sup> See Document No. 02:009553

<sup>109</sup> See Document No. 02:009554

<sup>110</sup> See Document No. 02:008960

111

Document No. 02:008960

<sup>112</sup> See Document No. 02:009553

<sup>113</sup> See Document No. 02:009488



**Palestinian Authority support for al-Masri following his arrest**

a. Documents indicating the Palestinian Authority's [REDACTED]

Palestinian Authority documents indicate that [REDACTED]

[REDACTED]<sup>114</sup>

In May 2005, a confirmation of al-Masri's arrest on November 30, 2002, was documented in the offices of the Red Cross in Nablus.<sup>115</sup>

Information regarding [REDACTED]

[REDACTED]<sup>116</sup>

b. [REDACTED]

The information provided to us regarding [REDACTED]

c. [REDACTED]

d. Attitude toward the prisoner and his family

The Palestinian Authority views Majed al-Masri as responsible for a number of deadly suicide terrorist attacks, as someone under arrest "in the prisons of the Israeli occupation **for the**

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<sup>114</sup> See Document No. 02:008960

<sup>115</sup> See Document No. 02:009483

<sup>116</sup> See Document No. 02:009488

<sup>117</sup> See Document No. 02:009494

<sup>118</sup> See Documents No. 02:008960 and No. 02:009509

<sup>119</sup> See Document No. 02:009548

**crime of his national struggle,**<sup>120</sup> a determination that indicates the Palestinian Authority's positive attitude to the terror attacks and their perpetrators.

The PA police published Majed al-Masri's name on its website, at the head of a list of police personnel imprisoned in Israel, as part of its positive attitude to those police officers who participated in terror attacks.<sup>121</sup>

The PA has also portrayed and praised Majed al-Masri as a hero in broadcasts on Palestinian Television.

### **Conclusion and Comments**

The Palestinian Authority's positive attitude toward Majed al-Masri and his terrorist activities is clearly reflected in a number of ways: his background as a terrorism operative did not prevent his joining the Palestinian security forces – [REDACTED]

His period of imprisonment between 1987 and 1991 was [REDACTED]

Partial information indicates that [REDACTED]

It appears, therefore, that Majed al-Masri's [REDACTED] was influenced mainly by his terrorism activity and not specifically by the contribution he made with the police, [REDACTED] – a fact that is particularly significant considering that prior to his arrest [REDACTED]

### **MOHAMMED ABDEL RAHMAN SALEM MOUSLEH**

#### **Introduction**

Mohammed Abdel Rahman Salem Mousleh, Identity Card No. 902845643, born in Ramallah on April 25, 1977, married with one child,<sup>122</sup> resident of the Um al-Sharait

<sup>120</sup> See Document No. 02:009495

<sup>121</sup> <http://www.palpolice.ps/ar/wp-content/themes/police/Print.php?p=4830>

<sup>122</sup> See Documents No. 02:009576, No. 02:009287.

neighborhood, Ramallah.<sup>123</sup> He began his employment as a driver/escort for the PA Legislative Council [REDACTED]<sup>124</sup>

Mousleh was convicted, *inter alia*, of taking part in the planning and execution of a suicide terrorist attack in Jaffa Road in Jerusalem<sup>125</sup> on January 22, 2002.<sup>126</sup> The suicide terrorist Said Ramadan<sup>127</sup> opened fire on passersby and caused the deaths of two of them and injury to over 45 others, among them Shayna Gold and Shmuel Waldman, American citizens who were wounded in this terrorist attack, and who are among the plaintiffs in this case. Mousleh was arrested by Israel on February 17, 2002,<sup>128</sup> for this terrorist attack, convicted and sentenced to nine life sentences.<sup>129</sup>

Mohammed Mousleh was, at the time of the terrorist attack, an employee of the Palestinian Legislative Council and according to his testimony, also served, for pay, in the Palestinian Preventive Security Force.<sup>130</sup> Mousleh was an official employee of the Palestinian Authority, like others responsible for the said terrorist attack: Ahmed Barghouti, Nasser Aweis, Majed al-Masri and Said Ramadan.<sup>131</sup> Mousleh operated with the support and under the auspices of the Fatah Tanzim.<sup>132</sup>

## Chronology

### **a. Additional Criminal and Hostile Activity – Background**

Mohammed Mousleh belonged to the Fatah organization.<sup>133</sup> In addition to the terrorist attack that is central to the present case, he was involved in a series of fatal shooting attacks in and around Jerusalem, among them: a shooting attack on the driver of an Israeli vehicle in the Atarot area on January 25, 2001, in which one person was killed; a terrorist attack on Road No. 443, on August 25, 2001, as a result of which three people were killed; a shooting attack on Road No. 9 on September 15, 2001, as a result of which one person was killed; and a terrorist attack at the gas station near Givat Ze'ev on January 15, 2002, as a result of which one person was killed. Mousleh participated in the lynching carried out on two Israel Defense Forces soldiers in

<sup>123</sup> See Document No. 02:009580.

<sup>124</sup> See Document No. 02:009576.

<sup>125</sup> See Court File 3250/02, ruling dated March 25, 2003, page 7, lines 1-3.

<sup>126</sup> For a detailed description of the terrorist attack, see a separate chapter.

<sup>127</sup> See the profile of Said Ramadan in a separate chapter.

<sup>128</sup> See Document No. 02:009290 and others.

<sup>129</sup> See Court File 3250/02, ruling dated March 25, 2003, page 8, lines 23-35.

<sup>130</sup> See his testimony to the police dated February 25, 2002, page 1, lines 17-27.

<sup>131</sup> See separate profiles of these individuals.

<sup>132</sup> See Court File 3250/02, ruling dated March 25, 2003, page 5, lines 17-18.

<sup>133</sup> See Document No. 02:009287 and website <http://maannews.net/arb/ViewDetails.aspx?ID=283846>.

Ramallah on October 12, 2000, and shot at the body of one of the dead soldiers. Similarly, he participated in a number of additional shooting attacks, as a result of which Israeli civilians were wounded.<sup>134</sup>

**b. His official status within the institutions of the Palestinian Authority prior to his arrest** (February 17, 2002)

Mohammed Mousleh began working for the Palestinian Authority as a driver/escort at the Legislative Council [REDACTED]<sup>135</sup> and his position was classified as that of a “government official.”<sup>136</sup> According to his testimony to the Israel Police, he also worked, apparently during the same years, for the Preventive Security Force with Jibril Rajoub, the head of the Force, and received a monthly salary.<sup>137</sup>

Upon commencing work as a driver, [REDACTED] and a short time thereafter he was arrested.

**Palestinian Authority support for Mohammed Mousleh following his arrest**

**a. Documents indicating the Palestinian Authority’s** [REDACTED]

In June 2003, the Red Cross confirmed, in an official document, the fact of Mohammed Mousleh’s arrest on February 17, 2002, and the life sentence imposed on him.<sup>139</sup> [REDACTED]

[REDACTED]<sup>140</sup>

**b.** [REDACTED]

We do not have any documents in our possession indicating Mousleh’s [REDACTED]

The [REDACTED]

in

<sup>134</sup> See Court File 3250/02, ruling dated March 25, 2003, pages 5-8.

<sup>135</sup> See Document No. 02:009576.

<sup>136</sup> See Document No. 02:009287.

<sup>137</sup> See the statement to Israel Police dated February 25, 2002, page 1, lines 25-27.

<sup>138</sup> See Document No. 02:009576.

<sup>139</sup> See Document No. 02:009290.

<sup>140</sup> See Document No. 02:009287.

<sup>141</sup> See Documents No. 02:009533-02:009536.

[REDACTED] 142

c. [REDACTED]

Upon his arrest, [REDACTED]

Mousleh [REDACTED]

### Conclusions and Comments

All of the above indicates that the Palestinian Authority granted a terrorist who had been involved in fatal terrorist attacks [REDACTED] while he is serving a life sentence for those terrorist attacks.

### Other Individuals Involved in the January 22, 2002 Attack

Two other individuals, Fares Ghanem and Mohammed Sami Abdullah, who (to the best of my knowledge) were not employees of the PA, were also involved in and convicted for their roles in carrying out this attack (specifically: transporting Ramadan to Jerusalem).<sup>145</sup>

The PA has [REDACTED] to [REDACTED] for this attack.<sup>146</sup> This is consistent with the PA's policy and practice of rewarding individuals who carry out terrorist attacks, including the attack at issue here, as discussed above.

Another non-PA employee, Bashar Barghouti, was also convicted in relation to this attack.<sup>147</sup> Bashar Barghouti was charged because he overheard Ahmed Barghouti planning the January 22, 2002 attack, but took no action to prevent the attack (e.g. alerting the authorities).

<sup>142</sup> See Documents No. 02:009589 and his [REDACTED] documents.

<sup>143</sup> See Documents No. 02:009577, No. 02:009602.

<sup>144</sup> See Document No. 02:009608.

<sup>145</sup> See indictments, convictions and sentencing decisions in Case No. 3262/02 and Case No. 3250/02.

<sup>146</sup> See Documents Nos. 8968-8970; 9365-9368; 9556-9575; 8971-8975; 9201-9226.

<sup>147</sup> See indictments, conviction and sentencing decision in Case No. 3159/02.

I have received no documents indicating whether Bashar Barghouti, [REDACTED], received [REDACTED] from the PA as the result of his imprisonment. I note, however, that in deciding to impose on Bashar Barghouti a relatively lenient sentence, the Israeli court stated:

It could have been demanded from the defendants that he at least act to prevent the crime by notifying the security forces in his area, but in the circumstances of the incident one gets the impression that it was indeed those security forces which intended to execute the crime. Clearly this situation placed the defendant between the hammer and the anvil ... <sup>148</sup>

## **II. Terrorist Suicide Attack on January 27, 2002, in Jerusalem on Jaffa Road**

On January 27, 2002, a suicide terrorist attack was carried out on Jerusalem's Jaffa Road. One person was killed in the terrorist attack and approximately 150 others were wounded, among them members of the Sokolow family, plaintiffs in this case. This attack was initiated and planned, and the bomb was provided, by Kamal a-Din Isma'il Musa al-Abed, an officer in PA Military Intelligence, who served in PA headquarters in Ramallah (the Muqataa).<sup>149</sup> The PA's General Intelligence Service was also involved in the bombing and an attempted cover-up.<sup>150</sup>

The suicide terrorist who detonated the explosive device on her person was Wafa Idris,<sup>151</sup> who served as a confidential agent/informant for PA Military Intelligence and was a Fatah operative. Fatah publicly took "credit" for the attack, and Fatah leader Marwan Barghouti not only attended a symbolic funeral held for Wafa Idris in Ramallah on January 31, 2002, but told the press at the funeral that "the Fatah movement has not changed its strategy. This is a clear strategy the focus of which is the continuation of the struggle against the Israeli occupation."<sup>152</sup>

Munzir Noor who, like Idris, was a confidential agent/informant for PA Military Intelligence with a background of activity within Fatah, was convicted for his involvement in this attack.<sup>153</sup> The verdict and sentence against Munzir Noor, and his statements to the Israeli police, indicate that Wafa Idris, who served(as mentioned above) as a confidential agent and

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<sup>148</sup> Sentencing decision dated January 13, 2003, in Case No. 3159/02

<sup>149</sup> For information on the role played by Al Abed see inter alia Munzir Noor's police statements dated May 13, 2002, and April 25, 2002, as well as the sentencing decision dated December 1, 2004, verdict dated August 26, 2004, and the indictment in Court File 3465/02.

<sup>150</sup> See Document No. P8-176, which is an official internal memorandum created by senior officers in the PA's Preventive Security Service. See also Documents Nos. 4505-4513 and 6031-6033.

<sup>151</sup> See profile below

<sup>152</sup> See Document No. P1-3034.

<sup>153</sup> See profile below.

informant of Palestinian Military Intelligence<sup>154</sup> recruited Munzir Noor at the beginning of August 2001, as an agent of Palestinian Military Intelligence.

Munziar Noor's part in the terrorist attack was in convincing Wafa Idris to agree to carry out the attack, and in instructing her as to access roads into Jerusalem, with which he was familiar from his work with the Red Crescent.

Thus, we see here a terrorist attack, in which one person was murdered and approximately 150 wounded, and in which the nucleus of the cell that executed it, including the suicide terrorist, belonged at that time to the Palestinian security forces.

Analysis of the personal profiles of Wafa Idris and Munzir Noor indicates a positive and supportive attitude on the part of the Palestinian security forces in particular, and the Palestinian Authority in general, toward the perpetrators of this terrorist attack and the act itself.

This attitude of the Authority toward members of its security forces who carried out this terrorist attack, is expressed in a number of ways:

**1. Ignoring the criminal or terrorist history of those involved in the terrorist attack, prior to recruitment and during their service before the attack**

Thus, for example, Wafa Idris was a Fatah operative who had participated in stone throwing in Ramallah,<sup>155</sup> in addition to which she served as a courier for Fatah, smuggling fliers and ammunition through Israel Defense Forces checkpoints in the Jerusalem area.<sup>156</sup>

Munzir Noor was also a Fatah Youth (*Shabiba*) operative who took part in the kidnapping and interrogation of an individual suspected of collaboration with Israel, in his home village of Anbata, in the Tulkarm district.<sup>157</sup>

**2. Material support for the terrorists who carried out the attack, and for their families**

This support is reflected in the payment of a special allowance to Wafa Idris's surviving relatives (her mother) from February 14, 2002 (about two weeks following the terrorist attack), and the payment of a significant allowance to Munzir Noor, an allowance which, in 2012, reached the sum of 6,000 NIS, which is being received by the terrorist's father for his son.

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<sup>154</sup> A further allusion to Idris' ties with the Palestinian security apparatus can be found in a document of the Preventive Security Service, which indicates that the head of the Palestinian General Intelligence Service in the West Bank was aware of the identity of the perpetrator of the suicide terrorist attack, even before her name was announced publicly.

<sup>155</sup> See Munzir Noor's testimony during interrogation, dated April 25, 2002

<sup>156</sup> See Munziar Noor's testimony during interrogation, dated May 13, 2002

<sup>157</sup> See Munziar Noor's testimony during interrogation, dated May 13, 2002

Support by the Palestinian Authority for this terrorist attack is also indicated by the fact that Munzir Noor's involvement in executing the attack is classed, in an official Palestinian Authority document, as [part of] the "national struggle."<sup>158</sup> Furthermore, this episode is joined by a further aspect, namely the attempt by PA Military Intelligence to shelter Munziar Noor in Ramallah following the terrorist attack, so that he should not fall into Israeli hands.<sup>159</sup>

Similarly, the PA continued to employ Kamal al-Abed following the attack. [REDACTED]

[REDACTED]<sup>160</sup>

### **Profiles of the Individuals Who Carried Out the January 27, 2002 Terrorist Attack on Jaffa Road**

#### **Wafa Ali Khalil Idris**

##### **Introduction**

Wafa Ali Khalil Idris, Identity No. 935068122, born in the al-Am'ari Refugee Camp, near Ramallah, on October 22, 1971, divorced with no children. Prior to her death, she worked at the Palestinian Red Crescent.<sup>161</sup>

Idris served as a confidential informant and agent of the Palestinian Authority's Military Intelligence force before the terrorist attack.<sup>162</sup> She carried out the suicide attack in Jerusalem on January 27, 2002,<sup>163</sup> when she detonated a bomb in the city's Jaffa Road,<sup>164</sup> causing the death of one person and wounding 150 others, among them the Sokolow plaintiffs in the present case.

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<sup>158</sup> See Document No. 02:007740.

<sup>159</sup> See Munzir Noor's testimony during interrogation, dated April 25, 2002, and that dated May 13, 2002.

<sup>160</sup> See Document No. 8998.

<sup>161</sup> See Document No. 02:006761.

<sup>162</sup> See Police Statement of Munzir Noor, dated April 25, 2002, page 1, lines 11-14.

<sup>163</sup> A detailed description of the terrorist attack is provided in a separate chapter.

<sup>164</sup> See Document No. 02:006762, from the "martyr" file, and the ruling in Court File 3465/02, dated August 26, 2004, page 1.



## **Chronology**

### **a. Additional Criminal and Hostile Activity – Background**

Wafa Idris was a Fatah operative who participated in stone throwing<sup>165</sup> and carried ammunition and Fatah organization fliers through Israeli army checkpoints.<sup>166</sup>

### **b. Idris's official status within the institutions of the Palestinian Authority prior to the attack**

Wafa Idris served as a confidential agent of PA Military Intelligence.<sup>167</sup>

Further information about Idris's ties with the PA, and the PA's involvement with the bombing, can be found in a document generated by the PA's Preventive Security Service on February 14, 2002, which states that the head of the PA's General Intelligence Service, Tawfik Tirawi, was aware that Wafa Idris was the bomber even before her name was published and attempted to cover-up her involvement with the attack. The document concludes that PA "General Intelligence was involved in the Wafa Idris affair."<sup>168</sup>

## **Palestinian Authority support for Idris and her family following the attack**

### **a. Documents indicating the Palestinian Authority's awareness of the fact that the terrorist attack was perpetrated by Idris**

The martyr's file on Wafa Idris, prepared for the Palestinian Authority's Ministry of Social Affairs/Institute for the Care of the Families of Martyrs and the Wounded, provides explicit details of the terrorist attack carried out by Idris, and the fact that Idris was a member of Fatah, whose military wing – the al-Aqsa Martyrs' Brigades – also claimed credit for the terrorist attack.<sup>169</sup> Processing of the file, including recording of the recommendations and decision, was concluded on February 14, 2002, about two weeks following the terrorist attack.<sup>170</sup>

b. [REDACTED]

[REDACTED]

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<sup>165</sup> See Police Statement of Munzir Noor, dated April 25, 2002, page 1.

<sup>166</sup> See Police Statement of Munzir Noor, dated May 13, 2002, page 5, lines 4-5.

<sup>167</sup> See Police Statement of Munzir Noor, dated April 25, 2002, page 1.

<sup>168</sup> See Document No. P8-176.

<sup>169</sup> See Document No. 02:006762.

<sup>170</sup> See Documents Nos. 02:006762-02:006764.

<sup>171</sup> See Document No. 02:006764.

c. Attitude of the Palestinian Authority to the terrorist attack and to the terrorist's family

Wafa Idris is considered by the PA to be an icon of the Palestinian struggle against Israel. Her picture and life story have appeared countless times in the official PA media and internet websites, which lavish praise on her and on the act she carried out. For the PA, Idris is an example of a Palestinian heroine to be emulated.

This is reflected in her martyr's file, which states that she was killed while carrying out an act of heroism against the Zionists in the occupied city of Jerusalem.<sup>172</sup>

The fact that Wafa Idris continues to serve as an example today can be seen, for example, in a recent statement by a Fatah operative from Gaza who glorified the actions of Fatah terrorists, among them Wafa Idris.<sup>173</sup>

## **Conclusions and Comments**

Idris served as a confidential informant and agent of the Palestinian Military Intelligence, and even recruited another agent for this work.<sup>174</sup> She was also a Fatah operative who participated in activities against Israel. Idris has become a symbol, and to this day she enjoys support and sympathy. In parallel, [REDACTED]

All these indicate a supportive attitude by the Palestinian Authority to suicide terrorist attacks and their perpetrators, including the attack carried out by Idris.

## **MUNZAR MAHMOUD KHALIL NOOR**

### **Introduction**

Munzir Mahmoud Khalil Noor, ID Card No. 902442067, born in Kuwait on November 21, 1977, single, resident of Anabta / Tulkarm District.<sup>175</sup> Until his arrest, he worked as a medic with the Palestine Red Crescent Association.<sup>176</sup>

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<sup>172</sup> See Document No. 02:006763.

<sup>173</sup> See: MEMRI: Fatah Operative in Gaza: The Blood of Suicide Terrorists should be Sanctified, February 28, 2013.  
[http://www.memri.org.il/cgi-webaxy/sal/sal.pl?lang=he&ID=107345\\_memri&act=show&dbid=articles&dataid=3330](http://www.memri.org.il/cgi-webaxy/sal/sal.pl?lang=he&ID=107345_memri&act=show&dbid=articles&dataid=3330).

<sup>174</sup> See the profile of Munzir Noor, provided separately.

<sup>175</sup> See Documents Nos. 02:006775-02:006778, 02:007737. The full date of birth is from Noor's testimony under police interrogation, dated April 23, 2002

<sup>176</sup> See Noor's testimony under police interrogation, dated April 23, 2002, page 1, lines 14-15

Munzir Noor served as an agent of the Military Intelligence service in the Palestinian Authority, from August 2001, until to the terrorist attack.<sup>177</sup>

Noor, a Fatah operative,<sup>178</sup> upon the instructions of his handler in the Military Intelligence service, convinced Wafa Idris, herself a Fatah operative, to carry out a suicide terrorist attack in Jerusalem. Noor also instructed her as to access roads to Jerusalem, with which he was familiar from his work with the Red Crescent.<sup>179</sup> Idris carried out the suicide terrorist attack in Jerusalem on January 27, 2002,<sup>180</sup> when she detonated a bomb in the city's Jaffa Road,<sup>181</sup> causing the death of one person and the wounding of 150 others, among them the Sokolow plaintiffs in this case. Noor was arrested by Israel on April 17, 2002, convicted at trial, and sentenced to life imprisonment plus an additional 30 years.<sup>182</sup>

## **Chronology**

### **Additional Criminal and Hostile Activity Background**

In his statement to the police, Noor related that in 1993 he was involved in the kidnapping and interrogation of an individual from Anabta who was suspected of collaboration [with Israel]. This was as part of the activities of Fatah's *Shabiba* movement.<sup>183</sup>

### **Noor's official status within the institutions of the Palestinian Authority prior to the attack**

Munzir Noor was engaged as a confidential informant and agent of Military Intelligence, and provided information to his handler within the PA security apparatus.<sup>184</sup>

### **Palestinian Authority support for Munzir Noor and his family following the attack**

- a. Documents indicating the Palestinian Authority's awareness of Noor's involvement in the terrorist attack

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<sup>177</sup> See Noor's testimony under police interrogation, dated May 13, 2002, page 12, lines 6-10

<sup>178</sup> See Document No. 02:006775

<sup>179</sup> See Court File 3465/02, explanations for sentencing against Noor, dated December 1, 2004, page 1, lines 29-41

<sup>180</sup> A detailed description of the terrorist attack is provided in a separate chapter.

<sup>181</sup> See Document No. 02:006762, from Wafa'a Idris's "Martyr" File, and the verdict in Court File 3465/02, dated August 26, 2004, page 1

<sup>182</sup> See Document No. 02:007737, and also Court File 3465/02, sentencing decision, December 1, 2004.

<sup>183</sup> See Noor's statements to the police dated May 13, 2002, page 1, lines 13-28, page 2, lines 1-5. Noor was not convicted for this offense.

<sup>184</sup> See Noor's police statement dated May 13, 2002, page 2, lines 6-23, and also Court File 3465/02, verdict dated August 26, 2004, and sentencing decision dated December 1, 2004.

According to Noor's testimony in his police interrogation, he was detained, for his own protection, three days after the terrorist attack, by his handler, Kamal al-Abed, an officer in Palestinian Authority Military Intelligence. Kamal al-Abed had initiated the January 27, 2002 suicide terrorist attack in Jerusalem. Noor was in detention for about forty days.<sup>185</sup>

b. [REDACTED]

The Palestinian Authority's [REDACTED]

c. Attitude of the Palestinian Authority to the terrorist attack and to Noor's family

The Palestinian Authority displayed its positive attitude toward the terrorist attack and to the terrorist, both through the [REDACTED]<sup>187</sup> and in a letter from the Ministry of Prisoners' Affairs in Tulkarm, which states that Munzir's terror action was considered [part of] the "national struggle."<sup>188</sup>

### **Conclusions and Comments**

Munzir Noor selected the suicide terrorist, convinced her to carry out the terrorist attack, and even provided her with information necessary for carrying out the terrorist attack. All of this was done by Noor under the guidance and at the request of a senior member of the Palestinian Military Intelligence, who also provided the bomb for this terrorist attack.

The involvement of the Palestinian Authority in the terrorist attack is reflected not only in the fact that the perpetrators served as confidential agents and informants of Palestinian Intelligence, but in the direct involvement of senior personnel in the intelligence apparatus both in execution of the terrorist attack and in an attempt to conceal its perpetrators.

This terrorist attack, like other such attacks, reflects the supportive attitude of the Palestinian Authority to terrorist attacks against Israel, and toward their perpetrators.

<sup>185</sup> See Noor's police statements dated April 23, 2002, page 3, lines 22-28, and expanding on this matter, see also his statements dated May 13, 2002, page 3, line 20 through page 4, line 2.

<sup>186</sup> See Documents Nos. 02:006775-02:006778, 02:007731-02:007734

<sup>187</sup> See Documents Nos. 02:006775-02:006778

<sup>188</sup> See Document No. 02:007740

### **III. Suicide Bombing on March 21, 2002, on King George Street in Jerusalem**

On March 21, 2002, a suicide bombing was carried out on King George Street, at the corner of Hahistadrut Street, in downtown Jerusalem. The suicide terrorist who carried out the attack was Mohammad Hashaika. In the terrorist attack, three people were killed and 81 wounded, among them the Bauer plaintiffs in this case.

This attack was initiated and planned by Abdel Karim Aweis, an officer in the PA's General Intelligence Service [REDACTED],<sup>190</sup> from where he continued to conduct terror activities.<sup>191</sup>

Abdel Karim Aweis' verdict, and the amended indictment to which he confessed,<sup>192</sup> indicate that Abdel Karim Aweis had a decisive leadership role in planning and executing the terrorist attack on March 21, 2002.

At the request of Fatah operative Nasser Shawish, Abdel Karim Aweis arranged (by virtue of his position as an officer in the Palestinian General Intelligence Service) for the release of the suicide terrorist, Mohammad Hashaika, from a PA jail in Ramallah, so that Hashaika could carry out this terrorist attack. Abdel Karim Aweis prepared the suicide terrorist for carrying out the attack. At his instructions, a second (female) terrorist was recruited, who was supposed to carry out a suicide attack along with Hashaika (this terrorist fled to Jordan prior to the terrorist attack).<sup>193</sup> Aweis instructed the suicide terrorist as to how to detonate himself and cause as many casualties as possible. Similarly, Aweis handled the transport of explosives from the offices of the head of General Intelligence in the West Bank, Tawfik Tirawi, for production of the explosive belt used by the terrorist in this attack. Aweis, along with Shawish, also assembled the explosive belt. Aweis recruited one of the two women who escorted the terrorist to the scene of the attack, and briefed those two women prior to their departure for Jerusalem to execute the attack. For the purpose of carrying out this terrorist attack, Aweis was assisted by senior members of Fatah, Marwan Barghouti and Hussein al-Sheikh, from whom he received money.

Hence, we can see a terrorist attack in which 3 people were murdered and over 80 wounded, with one of the principal figures among those who executed the attack, Abdel Karim

<sup>189</sup> See Documents Nos. 02:004473-004475

<sup>190</sup> See Documents Nos. 02:004473-004475

<sup>191</sup> See Court File 3478/02, sentencing dated March 13, 2003

<sup>192</sup> See Court File 3478/02, sentencing dated March 13, 2003, and the Amended Indictment dated January 14, 2003.

<sup>193</sup> See Amended Indictment, dated January 14, 2003, page 17, lines 8-12.

Aweis, serving in a sensitive position in the Palestinian security forces, as an officer in the General Intelligence Service.

Analysis of Abdel Karim Aweis' profile<sup>194</sup> indicates a positive and supportive attitude on the part of the Palestinian security forces in particular, and the Palestinian Authority in general, toward the perpetrators of this attack and the attack itself. This attitude of the PA toward a member of its security forces who carried out this terrorist attack, is expressed in a number of ways:

**1. Ignoring the terrorist history of those involved in the terrorist attack, prior to recruitment and during their service before the attack**

Abdel Karim Aweis belonged to the Fatah organization during the period of the First Intifada, at the end of the 1980s, and participated in the establishment of Fatah terror cells, known as the Black Panthers, in the Jenin region. He was sentenced by Israel to life imprisonment for the vicious murder of a suspected collaborator, but was released following the Oslo Accords. In addition, he was involved in planning and leading dozens of terrorist attacks, aimed at taking lives, prior to carrying out the terrorist attack relevant to this case.<sup>195</sup> His security background and his terrorist activity did not prevent the Palestinian Authority from recruiting him into its ranks as early as 1994, or from continuing to employ him for the whole of that time (until he was caught, tried and imprisoned). Moreover, the presence of Abdel Karim Aweis' name on the list of wanted senior terrorists which the United States convoy, General Anthony Zinni, gave to the PA in December 2001<sup>196</sup> (which Yasser Arafat personally admitted to receiving<sup>197</sup>) did not cause the PA to detain him in an effective way or to cease to employ him in its ranks. On the contrary, the PA detained but then quickly released Abdel Karim Aweis,<sup>198</sup> and continued to pay his salary. Had the PA kept Abdel Karim Aweis behind bars, as the U.S. requested, this terrorist attack (and many others) would have been prevented. And if the PA had at least fired Abdel Karim Aweis and/or cut off his salary, his ability to carry out the attack would have been seriously reduced.

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<sup>194</sup> See his personal profile, below.

<sup>195</sup> Of particular note is the suicide shooting attack in Afula on November 27, 2001, in which the weapons that were used by the terrorists were Aweis' personal weapon, given to him by virtue of his position, and an additional weapon purchased from a member of the Palestinian Authority's Force 17

<sup>196</sup> See [www.mfa.gov.il/MFA/Government/Communiques/2002/Most+Wanted+Terrorists+-+Status+Report+-+22-Apr-20.htm](http://www.mfa.gov.il/MFA/Government/Communiques/2002/Most+Wanted+Terrorists+-+Status+Report+-+22-Apr-20.htm).

<sup>197</sup> See Document No. P:1-3033.

<sup>198</sup> [www.aawsat.com/details.asp?issueno=8435&article=102525#.UUU-qBnIc7A](http://www.aawsat.com/details.asp?issueno=8435&article=102525#.UUU-qBnIc7A); [www.nytimes.com/2002/05/09/world/mideast-turmoil-palestinian-suicide-planner-expresses-joy-over-his-missions.html](http://www.nytimes.com/2002/05/09/world/mideast-turmoil-palestinian-suicide-planner-expresses-joy-over-his-missions.html)

## 2. Material support for Aweis and his family

We were not provided with Aweis' [REDACTED]  
 [REDACTED]  
 [REDACTED] Palestinian Authority documents provided to us  
 indicate that, [REDACTED]  
 [REDACTED]  
 [REDACTED]

## 3. Supportive attitude of the PA toward Aweis

In accordance with that which has been set forth above, the Palestinian Authority brought Aweis into its ranks [REDACTED], notwithstanding, indeed likely because of, his terrorist background, and involvement in the establishment of terror cells in the Jenin region in the late 1980s and his murder of a person suspected of being an informant for Israel. The PA employed him all this time in an officer's position within a sensitive unit, the General Intelligence Service. The Authority turned a blind eye to his extensive terror activity, [REDACTED]  
 [REDACTED]

### Profiles of Those Involved in the Attack

#### ABDEL KARIM RATHEB YUNIS AWEIS

##### **Introduction**

Abdel Karim Ratheb Younes Aweis, Identity Card No. 980136675, born on August 26, 1970, married,<sup>200</sup> resident of Jenin.<sup>201</sup> Began working for the Palestinian Authority's security forces on November 1, 1994.<sup>202</sup>

Aweis was convicted, *inter alia*, of having a key role in the planning and execution of a suicide terrorist attack in King George Street in Jerusalem,<sup>203</sup> on March 21, 2002.<sup>204</sup> The suicide

<sup>199</sup> See Documents Nos. 02:009046, 02:009503

<sup>200</sup> See Documents Nos. 02:004473-02:004475, 02:009046

<sup>201</sup> <http://www.pchrgaza.org/files/REPORTS/arabic/Killing2.htm>

<sup>202</sup> See Document No. 02:009046

<sup>203</sup> See Court File 3478/02, sentencing dated March 12, 2003, page 3, lines 29-48, page 4, lines 1-2

<sup>204</sup> A detailed description of the terrorist attack is provided in a separate chapter.

terrorist, Mohammad Hashaika,<sup>205</sup> had been under arrest in the Muqataa compound in Ramallah, prior to the terrorist attack, but had been released by Aweis so that he could carry out the terrorist attack.<sup>206</sup> Hashaika detonated the explosive device on his person, causing the deaths of 3 people and the wounding of 81, among them the Bauer plaintiffs in this action. For this terrorist attack, Aweis was arrested by Israel on June 17, 2002,<sup>207</sup> convicted at trial and sentenced to 6 terms of life imprisonment.<sup>208</sup>

Abdel Karim Aweis was, at the time of the terrorist attack, an officer [REDACTED] and served in the General Intelligence Service in Ramallah.<sup>209</sup> For the purpose of carrying out the terrorist attacks in which he was involved, Abdel Karim Aweis was assisted by senior Fatah personnel in Ramallah, among them Marwan Barghouti, from whom he received money on the day of the terrorist attack so as to assist in its implementation, and Hussein al-Sheikh, General Secretary of Fatah in the West Bank, from whom he received weapons.<sup>210</sup>

## **Chronology**

### **Additional Criminal and Terrorist Activity Background**

Abdel Karim Aweis belonged to the Fatah organization.<sup>211</sup> During the First Intifada, at the end of the 1980s, he participated in the establishment of Fatah terror cells known as the Black Panther, in the Jenin area. In 1991, Aweis participated in the vicious murder of a resident of the refugee camp who was suspected of collaborating with Israel. He was arrested by Israel and sentenced to life imprisonment, but was released as part of the Oslo Accords.<sup>212</sup>

In addition to the terrorist attack that is central to the present case, Aweis was involved in planning and conducting terrorist attacks whose purpose was to take human lives in Israel and the territories, among them: the suicide terrorist attack at the Central Bus Station in Afula, on

<sup>205</sup> See the profile of Mohammad Hashaika, in a separate chapter.

<sup>206</sup> See sentencing dated March 12, 2003, page 3, lines 29-31.

<sup>207</sup> See Document No. 02:009046, and also Document No. 02:009504. The Amended Indictment against Aweis, Court File 3478/02, states that Aweis was arrested about three months prior, on March 30, 2002.

<sup>208</sup> See Court File 3478/02, sentencing dated March 12, 2003, page 5, lines 33-41

<sup>209</sup> See Documents Nos. 02:004473-02:004475

<sup>210</sup> See sentencing dated March 12, 2003, page 3, lines 38-44.

<sup>211</sup> See sentencing in his case, dated March 12, 2003, pages 1-5

<sup>212</sup> <http://www.jeningate.com/ar/showart.php?id=864>; See sentencing in his matter, dated March 12, 2003, page 5, lines 19-28



November 27, 2001, in which two suicide terrorists fired on civilians,<sup>213</sup> killing two civilians and wounding dozens of others; and the suicide terrorist attack carried out by female terrorist, Darin Abu Aisha, who detonated an explosive device alongside the Maccabim checkpoint on February 27, 2002, as a result of which three people were wounded. Aweis was involved in a series of shooting attacks in the Jenin area during his service there, and in the placing of a mine with the aim of harming soldiers. He was convicted of the production and use of mortars in an attempt to fire upon Israeli settlements and military targets in the Jenin area, in May 2001; involvement in placing an explosive device which exploded at Golani Junction, within the borders of Israel, in October 2001; the planning of a suicide terrorist attack at the settlement of Kadim in October 2001; shooting attacks on Israeli vehicles traveling on the roads in the Jenin area and in areas near Jerusalem; and a number of attempts to dispatch terrorists for suicide terrorist attacks within Israel, including Tel Aviv, in February and March 2002, attempts that were suspended only with Aweis' arrest.<sup>214</sup>

**His official status within the framework of the institutions of the Palestinian Authority prior to his arrest (June 17, 2002)**

Aweis began his employment with the Palestinian Authority as a member of the Palestinian security forces.<sup>215</sup> Aweis' position is not discernible from the documents submitted for our perusal, and there is also no detail as to his various duties throughout his service in the Palestinian Authority's security forces. Furthermore, in an official document [REDACTED]

not a of of of

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### Documents indicating the Palestinian Authority's

Two documents that were provided for our review indicate that the Palestinian Authority

<sup>213</sup> The weapons that served the terrorists in this terrorist attack were Aweis' personal weapon, given to him by virtue of his position, and another weapon purchased from a member of the Palestinian Authority's Force 17. See Court File 3478/02, Amended Indictment, page 7.

<sup>214</sup> See Court File 3478/02, sentencing dated March 12, 2003, pages 1-4

<sup>215</sup> See Documents Nos. 02:004473-02:004475

<sup>216</sup> See Document No. 02:009046

<sup>217</sup> See Documents Nos. 02:004473-02:004475

According to one of the documents, [REDACTED]  
[REDACTED].<sup>218</sup> A second document is [REDACTED] These  
documents do not have information on [REDACTED]

### Palestinian Authority support for Abdel Karim Aweis following his arrest

a.

The documents provided for our review provide information on Aweis'

b.

### c. Public Praise

PA television has broadcast programs praising Abdel Karim Aweis and presenting him as a hero.

## Conclusion and Comments

The Palestinian Authority employed Abdel Karim Aweis in a sensitive security organization, General Intelligence, notwithstanding the fact that he was one of the founders of Fatah's Black Panther terror cells, and notwithstanding the fact that he had been sentenced to life imprisonment by Israel. During his service with the Palestinian Authority's security apparatus, Aweis continued extensive terror activity, while exploiting his access to weapons and explosives, and his freedom of movement, to plan, lead and carry out acts of terror.

## The Palestinian Authority

<sup>218</sup> See Document No. 02:009046, which mentions

<sup>219</sup> See Documents Nos. 02:009046 and 02:009504

<sup>220</sup> See Documents Nos. 02:009046, 02:009503

The PA's disregard from the significance of General Zinni's 2001 request to arrest Abdel Karim Aweis in order to prevent further terrorist attacks and their release of him without subjecting him to any supervision after only 30 days of detention, all the while [REDACTED], is another example of the PA's supportive attitude towards terrorists. Had the arrest request been honored, not only the instant attack, but at least one other terrorist attack likely would have been prevented.

## **NASSER JAMAL MUSA SHAWISH**

### **Introduction**

Nasser Jamal Musa Shawish, Identity Card No. 993006188, date of birth: May 25, 1975, married and father of two.<sup>221</sup> Place of residence: Aqaba in the Tubas district.<sup>222</sup> He commenced his employment with the Palestinian Authority's security forces, in the General Security apparatus, [REDACTED]<sup>223</sup>

Shawish was convicted, inter alia, of playing a decisive role in planning and executing the suicide terrorist attack on Jerusalem's King George Street<sup>224</sup> on March 21, 2002,<sup>225</sup> which was carried out by Mohammad Hashaika. Hashaika detonated the bomb that was on his person and caused the death of 3 people and the wounding of 81, among them Allen and Jonathan Bauer, plaintiffs in this case. Shawish was arrested by Israel for this terrorist attack on June 3, 2002,<sup>226</sup> convicted at trial and sentenced to 4 terms of life imprisonment.<sup>227</sup>

According to Nasser Shawish, in his statement to the police, up to his arrest he worked for the Palestinian Intelligence apparatus.<sup>228</sup> (However, according to Palestinian Authority documents provided to us, [REDACTED]

[REDACTED] We were not given additional documents regarding [REDACTED]  
[REDACTED] To carry out the said terrorist attack, Shawish approached Abdel Karim Aweis, an officer in the Palestinian General Intelligence service, prior to carrying out the terrorist attack, to ensure that he would provide him with protection from arrest following

<sup>221</sup> See Documents Nos. 02:007328, 02:009033.

<sup>222</sup> See Document Nos. 02:009311, 02:009318 and others.

<sup>223</sup> See Document No. 02:007328.

<sup>224</sup> See Court File 3739/02, judgment dated January 14, 2003.

<sup>225</sup> For a detailed description of the terrorist attack – see above.

<sup>226</sup> See Document No. 02:009318.

<sup>227</sup> See Court File 3739/02, sentence dated March 10, 2003, and also:

[http://nas.mbc.net/grp\\_article.php?article=150340](http://nas.mbc.net/grp_article.php?article=150340)

<sup>228</sup> See al-Shawish's statement to police dated June 3, 2002, statement number 1, sheet 1, in Arabic, line 26.

execution of the terrorist attack.<sup>229</sup> Following the outbreak of the al-Aqsa Intifada (September 2000), Nasser Shawish joined Fatah's al-Aqsa Martyrs Brigades. Shawish served as coordinator of military activities for the al-Aqsa Martyrs Brigades in Jenin, Ramallah, Tulkarm and Nablus.<sup>230</sup>

## **Chronology**

### **Criminal and Hostile Activity – Background**

Nasser Shawish was arrested by Israel in 1993, and was imprisoned for a period of 6 months for the crime of throwing stones and disturbing the public order, membership in an unlawful organization and kidnapping. In March 1997 he was sentenced to 50 days' imprisonment and a fine, for possession of a weapon without a license and possession of a knife for an improper purpose.<sup>231</sup>

In addition to the terrorist attack that is central to the present case, Shawish was involved in the planning and execution of terrorist attacks whose purpose was to take lives in Israel and the territories, among them: a suicide terrorist attack carried out on January 25, 2002, in Neve Shaanan Street in Tel Aviv, which caused injuries to 28 people; a suicide terrorist attack carried out by female terrorist, Darin Abu Aisha, who detonated an explosive device alongside the Maccabim checkpoint on February 27, 2002, as a result of which three people were wounded; and a suicide terrorist attack that was thwarted by Israel Defense Forces soldiers on March 10, 2002, when the suicide terrorist attempted to infiltrate into Israeli territory. In addition, Shawish was involved in providing assistance to persons wanted for having carried out fatal terrorist attacks, shooting attacks on Israel Defense Forces soldiers, placing explosive devices on transport routes, and the possession of weaponry and trading in weaponry and ammunition.<sup>232</sup>

### **His official status within the institutions of the Palestinian Authority prior to his arrest (June 3, 2002)**

Shawish commenced his employment with the Palestinian Authority as a member of the Palestinian security forces, in the National Security apparatus, with the rank of *Jundi* (=Private). According to the documents provided for our perusal by the Palestinian Authority, he was

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<sup>229</sup> See Abdel Karim Awais' testimony before the military court, dated November 14, 2002, Court File 3739/02, page 2, lines 11-13, 30-31.

<sup>230</sup> See al-Shawish's statement to police dated June 3, 2002, statement number 1, sheet 2, in Arabic, lines 16-17.

<sup>231</sup> See Nasser al-Shawish's criminal record sheet, TA 28854/93, and al-Shawish's statement to police dated June 3, 2002, sheet 1, in Arabic, line 25.

<sup>232</sup> See Court File 3739/02, indictment dated September 12, 2002, and judgment dated January 14, 2003.

dismissed from the service [REDACTED].<sup>233</sup> No other documents attesting to his service in the security apparatus thereafter were provided.

### **Palestinian Authority support for Nasser al-Shawish following his arrest**

Shawish [REDACTED]

In addition to the [REDACTED] Shawish's participation in the suicide terrorist attack was classed as part of the Palestinian national struggle, in a document of the Palestinian Authority's Ministry of Prisoners' Affairs.<sup>235</sup>

In the Palestinian media too, including the official PA media, Shawish's actions earned him esteem and appreciation. The Shawish family was described by the official Palestinian Authority television station as an "outstanding Palestinian family, since they have three sons in the Occupation's prisons, and a fourth son who is a martyr [*shahid*]." <sup>236</sup>

The Palestinian newspapers covered a visit by the Minister for Prisoners' Affairs, Issa Qaraqa, to the home of Nasser Shawish's family, to whom the Minister brought greetings from the PA President, Mahmoud Abbas, the leadership and the government, as well as praising the prisoner highly.<sup>237</sup>

### **Conclusion and Comments**

The evidence indicates a supportive and positive attitude by the Palestinian Authority toward this terrorist, his actions and his family. This is consistent with [REDACTED] and treating his actions, in official documents, as activity within the framework of the Palestinian national struggle.

Even following his arrest, Nasser Shawish stood out as a senior Fatah operative among the prisoner ranks, and as such, he gave expression to the prisoners' support for the reconciliation agreement between Fatah and Hamas.<sup>238</sup>

### **MOHAMMAD MASHHOUR MOHAMMAD HASHAIKA**

<sup>233</sup> See Document No. 02:007328.

<sup>234</sup> See Documents Nos. 02:009033-02:009035.

<sup>235</sup> See Document No. 02:009327.

<sup>236</sup> See [http://www.palwatch.org.il/main.aspx?fi=448&doc\\_id=7590](http://www.palwatch.org.il/main.aspx?fi=448&doc_id=7590)

<sup>237</sup> See Al-Ayyam newspaper dated June 9, 2012, page 4, and Al-Quds newspaper, same date, page 7.

<sup>238</sup> <http://www.anhri.net/?p=35926>

## Introduction

Mohammad Mashhour Mohammad Hashaika, Identity Card No. 906818513, date of birth: July 30, 1981, single. Place of residence: Talluza, in the Nablus district.<sup>239</sup> He commenced his employment with the Palestinian Authority's security forces, in the General Security apparatus, [REDACTED]<sup>240</sup>

Hashaika was the terrorist who carried out the suicide terrorist attack on King George Street in Jerusalem, on March 21, 2002.<sup>241</sup> Hashaika detonated the explosive device carried on his person, causing the deaths of 3 people and the wounding of 81, among them Allen and Jonathan Bauer, plaintiffs in this trial.

Mohammad Hashaika was employed by the Palestinian Police, [REDACTED]  
[REDACTED]<sup>242</sup>

Hashaika belonged to Fatah, while he was still a school student, and subsequently joined Fatah's al-Aqsa Martyrs Brigades.<sup>243</sup>

## Chronology

### Criminal and Hostile Activity – Background

According to information provided by the Palestinian Authority, Mohammad Hashaika was involved in armed activity against the Israel Defense Forces and Israeli targets in the year preceding his suicide terrorist attack, during his service in the Palestinian Police.<sup>244</sup>

Hashaika was arrested on February 11, 2002 (along with Shawish) by the Palestinian security forces, on the basis of information received about his intention to carry out a suicide terrorist attack in Israel.<sup>245</sup> In his interrogation he admitted that he planned a terrorist attack at a

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<sup>239</sup> See Document No. 02:007305.

<sup>240</sup> See Document No. 02:009414.

<sup>241</sup> For a detailed description of the terrorist attack – see above.

<sup>242</sup> See Document No. 02:009457.

<sup>243</sup> See Document No. 02:007305.

<sup>244</sup> See Document No. 02:007305.

<sup>245</sup> See the statement from the Prime Minister's Office in Israel, dated March 21, 2002, regarding the terrorist attack under discussion, which also notes the fact of his being a Palestinian policeman. At the same time, it was decided to immediately dismiss Hashaika from the Palestinian Police, on the grounds of disobedience; see Documents Nos. 02:009477, 02:009478, 02:009457.

Confirmation of Hashaika's arrest on February 11, 2002, by the Palestinians is obtained in an interview given by the Palestinian Minister for Negotiations with Israel, Saeb Erekat, to Fox News on March 24,

shopping center in Raanana. According to information published by the Israeli Prime Minister's Office, Hashaika was involved in a further attempted terrorist attack in the Israeli settlement of Mei-Ami, on February 8, 2002.<sup>246</sup> After being imprisoned in Nablus, Hashaika and Shawish were transferred by the Palestinians to a prison facility in Ramallah, from which they were released.<sup>247</sup>

**His official status within the institutions of the PA prior to the terrorist attack** (March 21, 2002)

Hashaika enlisted in the Palestinian Police [REDACTED]

Hashaika was a policeman in the Palestinian Police until just before the date of the terrorist attack, when he was also arrested by the Palestinian Authority. Although the official documents indicate [REDACTED] the documents provided for our examination show that [REDACTED]

We were not provided with Palestinian Authority documents attesting to this arrest.

**Palestinian Authority support for Hashaika and his family following the terrorist attack**

The Palestinian Authority, in an official document, emphasizes the fact that in his suicide attack, Hashaika caused the "deaths and wounding of many Zionists," and confirms his official status as a "martyr" [*shahid*] for the purpose of [REDACTED]

[REDACTED]<sup>248</sup> On official forms of the Palestinian Authority, Hashaika is described as a "fighter, one of the martyrs of the Palestinian revolution."<sup>249</sup>

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2002. In the interview, Erekat confirmed Hashaika's escape from jail, but placed responsibility for this on Israel, while the interviewer contradicted him on this. See [missing in original].

<sup>246</sup> See the above mentioned statement from the Prime Minister's Office in Israel.

<sup>247</sup> See Court File 3478/02, sentence in the trial of Abdel Karim Awais, dated March 12, 2003, page 3, lines 29-31.

<sup>248</sup> See Document No. 02:007307.

<sup>249</sup> See Documents Nos. 02:007316, 02:007319.

[REDACTED]

## Conclusion and Comments

Documents of the Palestinian Authority itself indicate an appreciative attitude toward the terrorist and the attack that he carried out, with emphasis on the large number of casualties in the terrorist attack.

[REDACTED]

To this may be added the episode of Hashaika's and Shawish's release from detention in the Palestinian jail, which allowed this suicide terrorist attack to be carried out.

### KAHIRA SA'ADI and SANA'A SHEHADEH

Two women, Kahira Sa'adi (a Fatah operative) and Sana'a Shehadeh, admitted to and were convicted for assisting in this terrorist attack, by helping Shawish and Aweis transport Hashaika to Jerusalem. The documents produced by the PA indicate that Sa'adi and Shehadeh

[REDACTED]

The PA's [REDACTED] to Sa'adi and Shehadeh further support my conclusion that the PA had and has a positive and supportive policy vis-à-vis this, and other attacks.

### IV. June 19, 2002, Suicide Bombing

On June 19, 2002, a suicide bombing was carried out at a bus stop in the neighborhood of French Hill in Jerusalem. Fatah publicly took credit for the attack, and the suicide bomber who carried out the attack was Fatah operative Said Awadeh of Nablus. In this bombing, 7 people were killed and 35 more were injured, including plaintiff Shaul Mandelkorn.

The cell that planned and carried out this attack included Naef Abu Sharah, who was employed by the Palestinian Authority, first in the General Intelligence Service in Nablus, at the rank of Molazim Awal (=lieutenant) and later in the Palestinian Civil Service.<sup>251</sup>

During his service for the Palestinian Authority, Abu Sharah belonged to and was a regional leader of Fatah's al Aqsa Martyrs Brigades.

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<sup>250</sup> See Documents Nos. 02:009430-02:009432.

<sup>251</sup> For a reference to the appropriate documents – see the profile of Abu Sharah below.



Factors that allowed the terrorist attack in the neighborhood of French Hill to be carried out included, *inter alia*, the provision of financial assistance for the perpetrators of the attack by Arafat personally. The Deputy Director of the U.S. National Security Council commented on this assistance in his book: “On the following day, 7 people were killed and 50 were injured in another suicide bombing, this time at a bus station in the neighborhood of French Hill in Jerusalem.... There is new intelligence showing that Arafat had approved the payment of 20,000 dollars to the group.”<sup>252</sup> This information is especially meaningful due to the fact that Naef Abu Sharah himself was responsible for the distribution of funds to terrorist operatives who had taken part in the attacks in exchange for their terrorist activity.<sup>253</sup>

The part that was played by Naef Abu Sharah in leading the attack and the responsibility for its perpetration was published in an official report of the Israeli Ministry of Foreign Affairs. Naef Abu Sharah himself was killed by IDF forces in Nablus on June 26, 2004.<sup>254</sup>

[REDACTED]

[REDACTED] Awadeh’s martyr file indicates the large number of Israeli casualties that his terrorist activity caused. As a result of this, among other things, the examiner recommended granting him official martyr status. Moreover, the Palestinian Authority strongly expressed its appreciation for the acts of the suicide bomber by [REDACTED]

[REDACTED]

We are aware of another co-perpetrator of the attack, Mazen Marwan Faiz Fraitah, another member of Fatah, who was later killed by Israeli forces. Fraitah, a Fatah Tanzim activist, was involved in a number of suicide bombings, which included this attack.<sup>256</sup> According to the documents of the Palestinian Authority that were forwarded to us after his death, [REDACTED]

[REDACTED]

Therefore, we have before us a terrorist attack in which 7 people were murdered and 35 more were injured. One of the key persons who were responsible for its commission, Naef Abu Sharah, served as an official in the Palestinian Authority Civil Service, and before that served in a sensitive function as an officer of the Palestinian General Intelligence.

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252 Tested by Zion, The Bush Administration and the Israeli-Palestinian Conflict, Elliott Abrams, Cambridge University Press, p.41.

253 See police interview statement of Hiri Salama dated July 24, 2003, Statement No. 2, pp. 2 8, rows 20-28.

254 See <http://www.mfa.gov.il/NR/rdonlyres/9DF98399-8A4F-4A74-ADDF-04099D785695/0/TerroristFunds.pps>

255 See Documents Nos. 02:006415, 02:006828, 02:006834.

256 See notice of the IDF Spokesman of April 15, 2003.

257 See Document No. 02:008996.

An analysis of Naef Abu Sharah's profile reveals that the Palestinian Authority had a positive, sympathetic and warm attitude towards Abu Sharah and the attacks that he carried out. This attitude is reflected in the following way:

**Disregard for Abu Sharah's security record prior to his recruitment and during his service in the ranks of the Palestinian Authority before the attack**

Abu Sharah belonged to the Fatah organization during the first Intifada and was sentenced to eight years of imprisonment for shooting at a suspected collaborator. He was also involved in the planning and leadership of many attacks whose purpose was to cause the loss of human life. His security record and terrorist activity did not deter the Palestinian Authority from enlisting him into its ranks bank in 1994, to continue to employ him until the day of his death and to ignore Israel's requests to arrest him.

**Abu Sharah became a symbol of the Palestinian national struggle, which was expressed by the Palestinian media and web sites.**

**V. Suicide Terrorist Attack on January 29, 2004, in Bus No. 19 in Jerusalem**

On January 29, 2004, a suicide bombing was carried out on a No. 19 bus in Jerusalem, at the corner of Arlosorov and Gaza Streets. The bomber was Ali Ja'ara,<sup>258</sup> a member of the Palestinian security forces, who had previously attempted to carry out a suicide terrorist attack, for Hamas, which had failed.<sup>259</sup> In the terrorist attack, eleven people were killed, among them Stuart Goldberg, whose sons, wife and estate are plaintiffs in the present case.

The cell that planned and executed the said terrorist attack had as members, *inter alia*, three additional terrorists – Abdel Rahman Maqdad, Ahmed Salah, and Hilmi Hamash, who were also PA security officers.<sup>260</sup>

The verdicts and rulings on the three terrorists indicate that Abdel Rahman Maqdad, a member of the Palestinian National Security forces,<sup>261</sup> sought to find candidates who were able to produce explosives, as well as suicide terrorists who were prepared to carry out terrorist attacks. Maqdad prepared the explosives for the terrorist attack from the materials supplied to

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<sup>258</sup> See profile, below.

<sup>259</sup> On this point, see the grounds for the sentencing dated April 2, against Mohammed Raid Khalil al-Nishnash, File No. 4083/04

<sup>260</sup> See detailed profiles of those mentioned, below.

<sup>261</sup> Regarding Maqdad, see for example the poster published in his memory. Regarding Salah, see the grounds for the sentencing from his trial, Court File 2270/04, dated September 28, 2006, page 1, lines 33-37. Regarding Hamash, see the verdict dated August 24, 2006, File No. 2303/04

him, and briefed the suicide terrorist as to operation of the bomb.<sup>262</sup> Ahmed Salah, a member of the PA General Intelligence Service met with the suicide terrorist, Ali Ja'ara, and checked his willingness to carry out a suicide terrorist attack. Salah provided the suicide terrorist, who installed the explosive device, equipment necessary for its installation, and also attempted to obtain a video camera, so as to film the suicide terrorist prior to the terrorist attack. Salah also accompanied the suicide terrorist, Ali Ja'ara, in his preparations prior to leaving to carry out the terrorist attack, and even neutralized the bomb so as to prepare it for operation.<sup>263</sup>

Hilmi Hamash, another member of the terror cell, who served as a policeman in the same unit as the suicide terrorist, introduced Ali Ja'ara to Ahmed Salah, who had been looking for a candidate to carry out the terrorist attack. Hamash purchased, along with others, products for the preparation of the explosive bag. He tried to help Salah in purchasing a camera to film the suicide terrorist, and finally also covered for Ja'ara, who was absent from his service location due to his preparations and departure for the terrorist attack.<sup>264</sup>

Thus, we see a terror attack, in which 11 civilians were murdered, and approximately 45 wounded, and in which those who constituted the nucleus of those who executed the attack, including the suicide terrorist himself, served in the Palestinian security forces at the time of the terrorist attack.

Analysis of the individual profiles of the four members of the security forces involved in this murderous attack<sup>265</sup> indicates a positive and supportive attitude on the part of the Palestinian security forces in particular, and the Palestinian Authority in general, toward the perpetrators of this terrorist attack and the attack itself.

This attitude of the Palestinian Authority toward the members of its security forces who carried out this terrorist attack, is expressed in a number of ways:

**1. Ignoring the criminal or terrorist history of those involved in the terrorist attack, prior to recruitment and during their service before the attack**

Thus, for example, two of the men who took part in the terrorist attack (Abdel Rahman Maqdad and Ahmed Salah) were among the terrorists who barricaded themselves inside the Church of the Nativity in Bethlehem in March 2002, taking hostages and threatening to blow the

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<sup>262</sup> See Court File 2271/04, dated September 28, 2006 – grounds for the sentencing – page 2, paragraph 3, lines 22-47

<sup>263</sup> See Court File 2270/04, dated September 28, 2006, grounds for the sentencing, page 2, paragraph 5, lines 27-49

<sup>264</sup> See Court File 2303/04, dated June 28, 2007, page 4, lines 33-41, page 2, lines 1-2. And also page 5, lines 29-31: “The Defendant sought to cover for the suicide terrorist at his place of work...”

<sup>265</sup> See below.

church up, something that was known to the Palestinian Authority – yet nonetheless these men continued to serve in the security forces. Another member of the cell, Hilmi Hamash, was convicted, even before joining the Palestinian security forces, of dozens of instances of stone throwing, yet this did not prevent his enlistment into the ranks of the Palestinian Police. Hamash, and Ali Ja'ara, [REDACTED] but by “virtue” of their terror activities, [REDACTED] but they even enjoyed support and approval from the Palestinian Authority.

## **2. Material support for the terrorists who carried out the attack, and for their families**

This support is reflected in the [REDACTED]  
[REDACTED] Regarding some of the members of the security forces, we have been provided with documents showing that [REDACTED]  
[REDACTED]. However, this support is not reflected solely in the [REDACTED]  
[REDACTED]

## **3. Supportive attitude of the Palestinian Authority toward the terrorists and their families**

In this category are included visits by senior officers and important personages, on behalf of the Palestinian Authority, to the homes of families of the prisoners and suicide terrorists, Palestinian Authority aid in advancement of projects for the welfare of prisoners serving life terms (that is, terrorists) such as the housing project in Bethlehem, holding official military funerals for suicide terrorists who served in the Palestinian security forces at the time that they carried out the suicide terrorist attack (Ja'ara), and the heaping of praise on terrorists who were in the service of the security forces when the terrorist attacks were carried out, through the media, internet and at official ceremonies.

### **Profiles of the Palestinian Security Personnel Who Carried Out the Attack**

#### **ALI MUNIR YOUSEF JA'ARA**

##### **Introduction**

Ali Munir Yousef Ja'ara, Identity Card No. 851434710,<sup>266</sup> date of birth January 30, 1979,<sup>267</sup> lived in the Aideh Refugee Camp,<sup>268</sup> joined the Palestinian security forces (Civil Police) in [REDACTED].<sup>269</sup>

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<sup>266</sup> See Document No. 02:004492

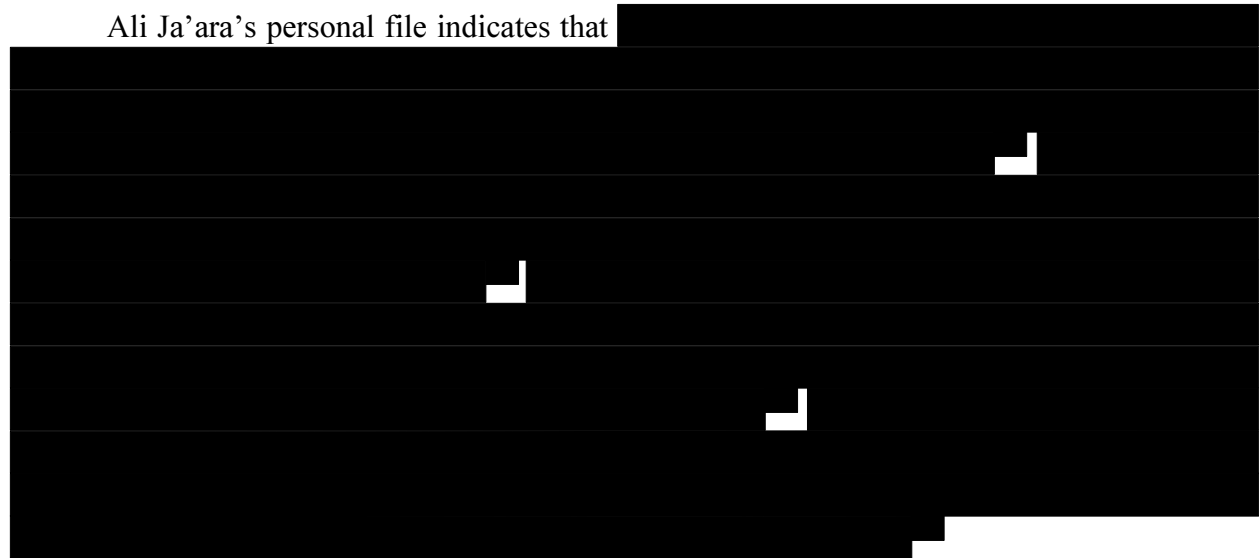
Ali Ja'ara was the suicide terrorist who carried out the attack on January 29, 2004, on a No. 19 bus in Jerusalem,<sup>270</sup> causing the deaths of eleven people, among them Stuart Goldberg, whose wife, sons and estate are plaintiffs in the present case.

At the time of the terrorist attack, Ali Ja'ara was a member of the Palestinian security forces in the Bethlehem district (as were others involved in the said terrorist attack: Ahmed Salah, Hilmi Hamash, and Abdel Rahman Maqdad).

## **Chronology**

### **Additional Criminal and Hostile Activity – Background**

Ali Ja'ara's personal file indicates that



### **His official status within the institutions of the Palestinian Authority prior to the terrorist attack**

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<sup>267</sup> See Document No. 02:009412

<sup>268</sup> See Document No. 02:007292

<sup>269</sup> See Document No. 02:009412

<sup>270</sup> See Document 02:007291 from the "Martyr" File, and also the indictments, verdicts and sentences in the cases of Ahmed Salah, Halmi Hamash, and Abdel Rahman Maqdad)

<sup>271</sup> See Documents Nos. 02:009448, 02:009449

<sup>272</sup> See Documents Nos. 02:009450, 02:009451

<sup>273</sup> Regarding the preparations for the suicide terrorist attack in early January 2004, and the fact that Ja'ara attempted to carry out a suicide terrorist attack on behalf of Hamas, see grounds for the sentencing dated April 9, 2006, against Mohammed Raid Khalil al-Nishnash, File No. 4083/04

<sup>274</sup> See Document No. 02:004496

Ali Ja'ara enlisted in the Palestinian Civil Police [REDACTED]

**Palestinian Authority support for Ali Ja'ara and his family following the terrorist attack**

- a. Documents indicating the Palestinian Authority's awareness that Ja'ara carried out the terrorist attack

In Ali Ja'ara's "Martyr" File in the Palestinian Authority's Ministry of Social Affairs, the details of the terrorist attack which Ali Ja'ara carried out, and his organizational affiliation<sup>276</sup> are stated explicitly (here Ja'ara is identified as a member of Hamas<sup>277</sup>).

In the same file is also a document from [REDACTED]

This document shows that, [REDACTED]

- b. [REDACTED]

Ali Ja'ara's [REDACTED] were provided for our perusal. The documents indicate [REDACTED]

[REDACTED] According to the documents provided to us, Ali Ja'ara [REDACTED] notwithstanding the fact that he had been killed while carrying out the suicide terrorist attack on January 2004. **We were not given information as to [REDACTED] and similarly there is no information on [REDACTED]**

Documents from [REDACTED]

<sup>275</sup> See Document No. 02:009412, and also Document No. 02:009451

<sup>276</sup> See Document No. 02:007291

<sup>277</sup> Indeed, in the sentencing in the matter of Mohammed Raid Khalil al-Nishnash, File No. 4083/04, dated April 9, 2006, we see that Ali Ja'ara asked to carry out a suicide terrorist attack on behalf of Hamas. This attack did not eventuate, and two weeks later, when it was suggested to him to carry out the terrorist attack by members of Fatah's al Aqsa Martyrs Brigades, he consented to do so, and carried out the terrorist attack on January 29, 2004.

<sup>278</sup> See Document No. 02:007295

<sup>279</sup> See Documents Nos. 02:004493 through 02:004496

<sup>280</sup> See Document No. 02:004426

A document of the Palestinian Authority /

As stated, although the documents provided to us state that

, no documents were provided for

c. Attitude of the Palestinian Authority toward the attack and toward the terrorist's family

Apart from the [REDACTED] and which we reviewed above, what is notable is the positive attitude of the Palestinian Authority, and particularly the Palestinian Police, to the suicide terrorist, in the following ways:

- Ali Ja'ara [REDACTED]  
[REDACTED] The fact that he became a suicide terrorist, in effect, [REDACTED].
- The Palestinian Police held an official "state" funeral for Ali Ja'ara, at the end of May 2012, when the bodies of suicide terrorists were returned to the Palestinian Authority, after having previously been buried in the cemetery for terrorists and enemy casualties, in the Jordan Valley.
- Ja'ara's coffin was carried on a vehicle of the Palestinian security forces, and was accompanied by an honor guard of uniformed Palestinian security personnel (members of the Police).
- The funeral was attended by senior Palestinian Police officers, among them the Minister for Prisoners' Affairs, a resident of the Bethlehem district, Issa Qaraqe.
- During the funeral, eulogies were given in praise of the suicide policemen (the state funeral in Bethlehem was held in honor of two policemen who carried out suicide terrorist attacks: Ali Ja'ara, who carried out the attack on the No. 19 bus in Jerusalem, on January 29, 2004, and Mohammed al-Zawwal, a member of the Fatah's al Aqsa Martyrs Brigades, who carried out a terrorist attack on the No. 14 bus in Jerusalem, on February 14).
- The funeral was publicized, accompanied by pictures of Ali Ja'ara holding a weapon (Kalashnikov) in his hands, and with extensive pictures from the funeral posted on the PLO's official Wafa News Agency website, and the websites of the Palestinian police

<sup>281</sup>

See Document No. 02:007896

(with particular prominence, and with the Palestinian Police stressing how Ja'ara had been a loyal policeman).

### **Conclusion and Comments**

Ali Ja'ara was a policeman at the time he carried out the suicide terrorist attack on the No. 19 bus in January 2004. Ja'ara [REDACTED]

Ali Ja'ara [REDACTED] when he was involved in planning the suicide terrorist attack, and he even attempted to carry out such a terrorist attack prior to the attack on January 29. [REDACTED]

The lavish "state funeral" given to Ali Ja'ara, and the positive treatment of the man and his actions in the Palestinian Authority media, indicate the positive attitude of the Palestinian Authority in general, and of the Palestinian Authority's security institutions in particular, toward this suicide terrorist and the act that he carried out, lasting even to the present day.

### **ABDEL RAHMAN YOUSEF ABDEL RAHMAN MAQDAD**

#### **Introduction**

Abdel Rahman Yousef Abdel Rahman Maqdad, Identity Card No. 410066625, date of birth: August 4, 1976,<sup>282</sup> (married with one child). Born in Cairo and at the age of 13 moved with his family to Libya. In 1990, he joined the ranks of the PLO, in which he underwent military training. In 1994, he came to the region with PLO forces that came in following the Oslo Accords, and was initially assigned to Jenin, subsequently moving to Bethlehem.<sup>283</sup>

He was convicted, *inter alia*, of taking part in a suicide terrorist attack that took place on January 29, 2004,<sup>284</sup> in which Ali Ja'ara<sup>285</sup> detonated an explosive device on the No. 19 bus in Jerusalem, causing the deaths of eleven people, among Stuart Goldberg, whose wife, sons and estate are plaintiffs in this case.

<sup>282</sup> See Document No. 02:009555.

<sup>283</sup> <http://elqudos.com/vb//showthread.php?t=1891>.

<sup>284</sup> For a detailed description of the terrorist attack, see a separate chapter.

<sup>285</sup> See the profile of Ali Ja'ara in a separate chapter.



Abdel Rahman Maqdad was, at the time of the terrorist attack, a member of the Palestinian security forces in the Bethlehem district (as were others in the cell responsible for the said terrorist attack: Ahmed Salah, Hilmi Hamash and Ali Ja'ara<sup>286</sup>).

## **Chronology**

### **Additional Criminal and Hostile Activity – Background**

Maqdad was involved in terror attacks even prior to the attack in the present case, among them: firing on Har Gilo, with the aim of harming Israelis (2001); possession of weapons (March 2002); an attack inside the Church of the Nativity in Bethlehem, taking a number of hostages and threatening to damage the Church (2002); and shooting at Israeli vehicles (2003).<sup>287</sup>

### **His official status within the institutions of the Palestinian Authority prior to his arrest** (arrested on March 6, 2004)

Maqdad joined the Palestinian security forces on [REDACTED]

[REDACTED]<sup>288</sup>

### **Palestinian Authority support for Maqdad following his arrest**

- a. Documents indicating the Palestinian Authority's [REDACTED]

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<sup>286</sup> See separate profiles of these individuals.

<sup>287</sup> <http://elqudos.com/vb/showthread.php?t=1891>.

<sup>288</sup> See Document No.02:009555.

<sup>289</sup> See Document No.02:009555; in the same document, [REDACTED]

<sup>290</sup> See the file on [REDACTED] Documents nos. 02:004487-02:004491.

b. [REDACTED]

[REDACTED]  
[REDACTED] 291

c. [REDACTED]

Maqdad's [REDACTED]  
[REDACTED] We have not  
been given information from the defendants [REDACTED] however, media reports  
indicate that he was also promoted to the rank of *Molazim* (= Second Lieutenant).<sup>296</sup>

d. Attitude toward the prisoner and his family

Following Maqdad's arrest, the Palestinian Authority continued to maintain contact with his family and to ensure their welfare. Maqdad's wife, Najla al-Hajj, was invited to accompany the Minister of Prisoner Affairs, Issa Qaraqa, during a visit he made to the families of other suicide terrorists in the Bethlehem area.<sup>297</sup>

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<sup>291</sup> See Document No.02:009543.

<sup>292</sup> See Document No.02:008999.

<sup>293</sup> See Document No.02:009001.

<sup>294</sup> See Documents Nos. 02:009624-02:009625.

<sup>295</sup> See Documents Nos. 02:009555 and 02:009624-02:009625.

<sup>296</sup> <http://www.iraqlion.net/vb/s15162>.

<sup>297</sup> See the following website, which reports on the visit dated October 1, 2012:  
<http://www.alasra.ps/news.php?maa=View&id=18292>.

Maqdad's wife heads a housing project on behalf of the Palestinian Authority, aimed at the families of terrorists sentenced to life imprisonment, that is, those who were involved in terrorist attacks.<sup>298</sup>

## Conclusions and Comments

The fact that Maqdad was involved in the seizure of hostages at the Church of the Nativity did not preclude the Palestinian Authority from continuing to employ him within its ranks, [REDACTED] The Palestinian Authority was involved in the negotiations with regard to the siege of the Church, and the identities of those barricaded inside, including Maqdad's identity, were known to it.

The Palestinian Authority has been consistent in its positive attitude toward Maqdad, even after it became clear that he was involved in deadly suicide attacks, including the terrorist attack in the present case.

## AHMED SALAH AHMED SALAH

### Introduction

Ahmed Salah Ahmed Salah, Identity Card No. 901739656, date of birth January 23, 1977,<sup>299</sup> single. Place of residence – Daheisheh<sup>300</sup> / Bethlehem District.<sup>301</sup> Apparently enlisted in the Palestinian security apparatus – General Intelligence service [REDACTED]<sup>302</sup>

Ahmed Salah was convicted, *inter alia*, of taking part in the suicide terrorist attack on January 29, 2004.<sup>303</sup> At the time of the attack he was a Palestinian security officer in the Bethlehem district.

### Chronology

### Additional Criminal and Hostile Activity – Background

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<sup>298</sup> See Al-Ayyam newspaper, dated December 26, 2012, page 3, and also: [http://www.palwatch.org/main.aspx?fi=448&doc\\_id=8299](http://www.palwatch.org/main.aspx?fi=448&doc_id=8299).

<sup>299</sup> See Document No. 02:009002

<sup>300</sup> See the website of the Palestine Prisoners Association: [www.ppsmo.ps/portal/index.php?option=com\\_content&view=category&layout=blog&id=147&Itemid=738](http://www.ppsmo.ps/portal/index.php?option=com_content&view=category&layout=blog&id=147&Itemid=738)

<sup>301</sup> See Documents Nos. 02:004487-02:004491

<sup>302</sup> See Document No. 02:009002

<sup>303</sup> See Document No. 02:009002; Court File 2270/04, verdict dated July 27, 2006, sentencing decision dated September 28, 2006.

Ahmed Salah was one of those who barricaded themselves inside the Church of the Nativity in Bethlehem,<sup>304</sup> taking hostages as a bargaining chip, in 2002. During this act of terror, he was wounded, and according to documents provided by the Palestinian Authority, was arrested in May 2002 and released at the end of May 2003.<sup>305</sup>

**His official status within the institutions of the Palestinian Authority prior to his arrest**

Salah enlisted in the Palestinian General Intelligence Service [REDACTED]

**Palestinian Authority support for Salah following the terrorist attack**

- a. Documents indicating the Palestinian Authority's [REDACTED]

According to Palestinian Authority documents, Salah [REDACTED]

This is reflected in a [REDACTED] a

Salah was arrested once more, on March 8, 2004, following his involvement in the suicide terrorist attacks on January 29, 2004, and February 22, 2004. [REDACTED]

- b. [REDACTED]

Ahmed Salah's [REDACTED]

According to these documents, he [REDACTED]

<sup>304</sup> See details of this incident in the Conclusions section. See the following websites that report his involved in the takeover of the Church of the Nativity, and his being wounded during the subsequent military

[http://www.idsc.gov.ps/arabic/quds/eng/news/2002/2002\\_5/e\\_update\\_02.htm](http://www.idsc.gov.ps/arabic/quds/eng/news/2002/2002_5/e_update_02.htm)

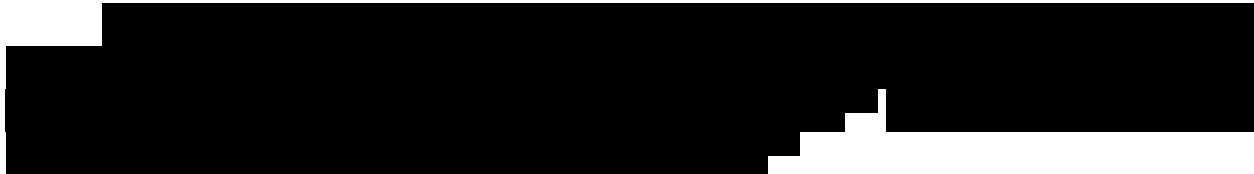
<http://www.al-arabeya.net/index.asp?serial=&f=3317237507>

<sup>305</sup> See Document No. 02:009002

<sup>306</sup> See details of all the orders mentioned in Document No. 02:009002



c. [REDACTED]



### **Conclusion and Comments**

Ahmed Salah served in the Palestinian Police, notwithstanding the fact that the Palestinian Authority knew of his involvement in a severe terror incident, in which a group of terrorists seized the Church of the Nativity in Bethlehem and threatened to blow it up, while holding religious personnel as hostages. [REDACTED] even after being arrested by Israel for this incident. It should be noted that another of those who barricaded themselves in the Church in that incident was Abdel Rahman Maqdad, who was also one of the other perpetrators of the January 29, 2004 suicide terrorist attack.

A further detail indicating the Palestinian Authority's positive attitude toward Ahmed Salah, following the execution of the terrorist attack, is the fact that Salah [REDACTED] while in prison for his part in terrorist attacks.

### **HILMI ABDEL KARIM MOHAMMED HAMASH**

### **Introduction**

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<sup>307</sup> [REDACTED] — see

Documents Nos. 02:009540-02:009543

<sup>308</sup> See Documents 02:004487-02:004491

<sup>309</sup> See Documents No. 02:009505-02:009506

<sup>310</sup> See Document No. 02:009002

Hilmi Hamash, holder of Identity Card No. 910415984, from Daheisheh in the Bethlehem District, born in 1977 (divorced + one child), was convicted of taking part in the suicide terrorist attack carried out on January 29, 2004.<sup>311</sup>

## **Chronology**

### **Additional Criminal and Hostile Activity – Background**

Prior to being hired as a PA police officer, Hilmi Hamash was convicted and jailed repeatedly for throwing stones at Israelis on scores of occasions. He was sentenced to two months' imprisonment on June 29, 1993. He was arrested on April 3, 1995, and again convicted of stone throwing, for which he was sentenced to eight months' imprisonment, from the date of arrest (to December 1995).

On November 17, 2002, he was sentenced to eight days' imprisonment and license cancelation, for driving an unlicensed, uninsured vehicle.

The Palestinian Authority [REDACTED]

[REDACTED]<sup>312</sup>

Hamash was also a Fatah operative.<sup>313</sup>

### **Conduct during his service in the police**

Hilmi Hamash's [REDACTED]

### **Palestinian Authority support for Hamash following his arrest**

- a. Documents indicating the Palestinian Authority's [REDACTED]

<sup>311</sup> A description of the terrorist attack is provided separately, above.

<sup>312</sup> See Document No. 02:009547.

<sup>313</sup> See Document No. 02:009227.

<sup>314</sup> See Documents Nos. 02:009004, 02:009008, 02:003013, 02:009017.

<sup>315</sup> See Document No. 02:009004.

Confirmation by the Red Cross regarding the arrest of Hilmi Abdel Karim Mohammed Hamash of Bethlehem, on March 9, 2004, and the life imprisonment to which he was sentenced. The form was prepared on October 18, 2006.<sup>316</sup> Indictment against Hilmi Hamash<sup>317</sup> Verdict against Hilmi Hamash<sup>318</sup>

b.

of Hilmi Hamash, Identity Card No. 901415984.

Regarding the [REDACTED] the defendants provided partial, disorganized information, but from it we can learn that, while he was in prison Halmi Hamash [REDACTED]

There is no unbroken information on

It appears therefore that this refers to

the profiles of other terrorists associated with this group). In any event, these documents indicate [REDACTED]

<sup>316</sup> See Document No. 02:009230.

<sup>317</sup> See Documents Nos. 02:009232-4.

<sup>318</sup> See Document No. 02:009235.

<sup>319</sup> See Documents Nos. 02:004500-02:004504

<sup>320</sup> See Documents Nos. 02:004500-02:004505

<sup>321</sup> See Documents Nos. 02:009019-02:009021

As stated, the documents transferred to us do not give an exact picture of all the salaries and payments transferred to Hamash while in prison. The salary table between June 2011 and October 2011 indicates the transfer of sums of varying amounts during that period. All this is under the heading of “Prisoners’ Salaries.” A further salaries table, beginning in March 2006 and ending in October 2011, shows a sum of over 2000 NIS per month, and here the heading is “Military Personnel,” rather than “Prisoners’ Salaries.” It seems, therefore, that Hamash enjoyed, and enjoys, significant material support from the Palestinian Authority, including a prisoner’s allowance alongside his police salary which is paid to him regularly.

c. Promotions received following his arrest

Promotion from *Raqeeb* – April 1, 2001 – to the rank of *Raqeeb Awwal* – April 1, 2004, by Order dated July 1, 2004 – under instructions from the PA President.

From the rank of *Raqeeb Awwal* – April 1, 2004 – to the rank of *Masaad* – April 1, 2008, by Order dated November 13, 2008, under instructions from the PA President.

d. Attitude toward the prisoner and his family

The attitude of the PA toward Hamash – since his arrest – has been extremely positive. For example:

PNN – Palestine News Network, September 30, 2012, the commander of the National Security Police visits the home of prisoner Hilmi Hamash:

“The visit ended at the home of prisoner *Molazim* [officer’s rank] Hilmi Hamash, a son of the Palestinian Police... *Maqadam* al-Shalabi gave (the family) greetings from the Police Command, and emphasized that the Police took care of maintaining contact with all its sons and their relatives.”

On the website of the Palestinian Prisoners Research Center:

<http://www.asrapal.net/index.php?action=detail&id=758>

It is written about Hamash that he was a [good] example of a Palestinian policeman, knowing the significance of the policeman’s role, serving the public and not acting like a sword on their necks. Hilmi the fighter combined with Hilmi the policeman. A policeman by day, and a *Feday* by night.

Al-Ayyam – undated:

<http://www.al-ayyam.com/printpreview.aspx?did=83597>



Regarding the longest letter of support – 150 meters – composed in Bethlehem in honor of the prisoners in the Occupation's prisons. Present was Issa Qaraqe, member of the Parliament.

Qaraqe stated that this letter indicates the political, humanitarian and moral importance of international society, which is silent in face of the suffering of the prisoners. The father of prisoner Hilmi Hamash addressed his letter to the Arab peoples and to human society, and called on them to stand by the prisoners, and strengthen their stand against the attacks on their rights by the Israeli prison authorities.

Al-Ayyam – September 5, 2010:

<http://www.al-ayyam.com/article.aspx?did=148479&date=9/5/2010>

Issa Qaraqe visited the home of the family of prisoner Hilmi Hamash, accompanied by a delegation from his department and from the Fatah in the Daheisheh Refugee Camp, as part of the program of visits to the families of prisoners, launched by the Ministry of Prisoners' Affairs.

## **Conclusion and Comments**

The Palestinian Police took Hamash into its ranks, although it knew of his violent past, both in the terror sphere and in the criminal sphere. The police kept him in their ranks, notwithstanding the recommendation of the upper echelon to dismiss him from the service, and in spite of his undisciplined and disparaging conduct. The police allowed him to conduct terror activities within its ranks. Finally, following the terrorist attack, the Palestinian Police showed a warm, supportive attitude to the terrorist himself and to his family, including financial support and promotion through the ranks.

### **Other Individuals Involved in the Attack**

Three other men – Ali Abu Haliel (a Fatah operative), Ahmed Saad and Mohammed Maali – were convicted of involvement in this terrorist attack. The documents produced by the PA indicate that these men have been receiving benefits from the PA during their imprisonment. The PA's payment of these benefits further support the conclusion that the PA had and has a positive and supportive policy vis-à-vis this, and other terrorist attacks.

## **VI. The January 8, 2001 shooting attack near Givat Zeev**

On January 8, 2001, a machine-gun attack was carried out on the new Givon – Givat Ze'ev road, approximately 6 miles north of Jerusalem, against two Israeli vehicles.<sup>322</sup> The

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<sup>322</sup> See police memoranda titled "Inspection of white Daihatsu vehicle" dated January 8, 2001 and "Action report-seizure and marking", signed by First Sergeant Shabi Ovadia, also dated January 8, 2001.

gunfire, from AK-47 assault rifles (typically used by PA security forces), resulted in damage to the vehicles and the wounding of Oz Guetta, who is a plaintiff in this case, along with his mother, Varda Guetta.

This shooting attack was one of a large number of shooting attacks against Israeli targets on the roads in the area north of Jerusalem, within a radius of approximately 15 miles, during that period (December 2000 to March 2002), all of which have similar characteristics. Israeli vehicles that were driving on the road were shot at from vehicles that drove past them or from positions overlooking the road, affording the attackers an opportunity to hit road users. In each of those attacks one or more of the shooters was a PA security or police officer.

A list of some of the attacks that had similar characteristics to those of the attack of January 8, 2001 follows:<sup>323</sup>

- 1) An attack on December 21, 2000 on Highway 443 – gunfire at a vehicle, one person killed, Ahmed Ghandor, a member of the Palestinian Security Forces, participated.
- 2) A shooting attack on December 31, 2000 on Highway 60 near Ofra – two persons killed, Ahmed Barghouti, a member of the Palestinian Security Forces, participated.
- 3) A shooting attack on January 25, 2001, Atarot area – shooting attack, one person killed, Ahmed Barghouti, and Mohammed Mousleh, members of the Palestinian Security Forces, participated.
- 4) A shooting attack on June 12, 2001, Ma'ale Adumim – Jerusalem highway, one person killed, Muhanad Abu Halawa, a member of the Palestinian Security Forces, participated.
- 5) A shooting attack on August 25, 2001, Highway 443 next to the Dor Energy fuel station – 3 persons killed, Ahmed Barghouti, and Mohammed Mousleh, members of the Palestinian Security Forces, participated.
- 6) A shooting attack on September 15, 2001, Highway No. 9 (northern Jerusalem) – one person killed, Ahmed Barghouti, Mohammed Mousleh and Khaled Shawish, members of the Palestinian Security Forces, participated.

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<sup>323</sup> The list of attacks is taken from the verdict of Marwan Barghouti, the Fatah commander in the West Bank and a member of the Palestinian Legislative Council, at the District Court in Tel Aviv, Case 1158102, dated May 20, 2004, and from the website of the Ministry of Foreign Affairs [http://www.mfa.gov.il/MFA/MFAArchive/2000\\_2009/2002/8/Marwan%20Barghouti%20Indictment%20-%20Appendix-%20Terrorist](http://www.mfa.gov.il/MFA/MFAArchive/2000_2009/2002/8/Marwan%20Barghouti%20Indictment%20-%20Appendix-%20Terrorist)

7) A shooting attack on February 25, 2001, Atara Bridge (Highway 443) – one person severely injured, Ahmed Barghouti, Mohammed Mousleh and Khaled Shawish, members of the Palestinian Security Forces, participated.

8) A shooting attack on October 3, Highway 9 (towards the French Hill – northern Jerusalem) – 6 persons injured, Ahmed Barghouti, and Mohammed Mousleh, members of the Palestinian Security Forces, participated.

9) A shooting attack on March 17, 2002, Beit El – Psagot road, Ahmed Barghouti, a member of the Palestinian Security Forces, participated.

Apart from these attacks, there are a number of attempted attacks that were not carried out for various reasons, but all of which were aimed at attacking persons who were traveling on the roads in and around the area in which the Guettas were attacked.

Counsel for the plaintiffs have informed me that Mrs. Guetta has identified one of the terrorists in the cell that opened fire towards her as Fawzi Murar, a member of the Palestinian Security Forces – Force 17 – Arafat’s presidential guard. Murar enlisted people to carry out shooting attacks against vehicles in Israel, participated in person in shooting attacks, dispatched a terrorist to carry out a suicide bombing in Israel and was killed in an IDF airstrike on March 5, 2003. In addition to being an officer in Force 17, Murar also belonged to Fatah.<sup>324</sup>

Murar became known after his death as a martyr of the al Aqsa Intifada and his family members have been supported by the Palestinian Authority. Murar’s terrorist activity while serving as an officer in the Palestinian Security Forces, was known to the Palestinian Authority, but it did nothing to prevent it (see Murar’s profile below).

**In conclusion, the characteristics of the attack on the Guettas are identical to the characteristics of many attacks that were carried out in that area at that time by PA security officers, and the weapons used in the attack – Kalashnikov assault rifles – are primarily used by the Palestinian Security Forces. It is therefore very likely that the attack on the Guettas, too, was carried out by PA security forces.**

**Moreover, for this reason, it is unsurprising that Mrs. Guetta has identified Fawzi Murar, an officer in Force 17, as one of her attackers.**

## **FAWZI HAMDİ MUSTAFA MURAR**

### **Introduction**

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<sup>324</sup> See the profile below for all details with respect to Fawzi Murar.

Fawzi Hamdi Mustafa Murar, Identity No.: 951023845, date of birth: March 23, 1975, married to two women and a father of four children. He lived in Ramallah / Ein Misbah. He served as an officer of Mulazim rank in the Palestinian Security Apparatus / Force 17 / Arafat's Presidential Guard and in the Palestinians' liaison unit with Israel<sup>325</sup> (joint patrols<sup>326</sup>).

Murar enlisted people to carry out shooting attacks against Israeli vehicles in the Ramallah area and dispatched a terrorist to carry out a suicide bombing in Israel. He was killed in an Israel Defense Forces airstrike on March 5, 2002 with two other persons, all of whom were activists of the al Aqsa Martyrs Brigades – the military arm of the Fatah Movement.<sup>327</sup>

## **Chronology**

### **Additional criminal and terrorist record**

Freij Adwan's testimony indicates that Fawzi Murar was the right hand man and a lieutenant of Abu Halawa, a member of Force 17 / Arafat's Presidential Guard, who was also responsible for a number of deadly terrorist attacks, and was killed with Murar in the Israeli attack on the vehicle in which they were traveling. The testimony indicates that he was involved in vicious attacks (see above), in the sale of arms and ammunition and in the theft of vehicles for which he was wanted by Israel for serving a prison sentence.

His martyr file indicates that he was arrested previously by Israel, and his record contains a photocopy of a member's card of the Palestinian Prisoner Club<sup>328</sup>, which alludes to a previous incarceration.

### **His official status in the institutions of the Palestinian Authority before the attack**

He was an officer (Mulazim – Second Lieutenant) in Force 17 and served in the liaison unit and in joint patrols.<sup>329</sup>

### **The Palestinian Authority's support for Murar after his death**

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<sup>325</sup> See the 'martyr file' of Fawzi Murar, pp. 3, 6, 10 and more.

<sup>326</sup> See the police statement of Freij Adwan dated April 8, 2002 in Jerusalem, p. 6, rows 6-7.

<sup>327</sup> See the two sources above for all information on Fawzi Murar. In his statement, Adwan said that Fawzi had confirmed to him that he had secured the weapons that were used for the shooting attack from the Tanzeem of the Fatah, to which he belonged. See the lists of eligible payees of the Martyrs' Institution for another confirmation of Murar's Fatah membership.

<sup>328</sup> See the 'martyr file' of Murar, p. 9.

<sup>329</sup> See the 'martyr file' of Murar, pp. 3, 5, 9, 10 and the police statement of Freij Adwan dated April 8, 2002, p. 6.

After his death, the Palestinian Authority recognized Murar as one of the martyrs of the al Aqsa Intifada and it was decided to provide financial support to his relatives via the institution for caring for families of martyrs and prisoners.

- a. Documents indicating the Palestinian Authority's awareness of his involvement in terrorism

Freij Adwan's testimony indicates that a shooting attack at Israeli vehicles in which Fawzi Murar took part was filmed on videotape. Muhanad Abu Halawa, who also participated in the shooting attack, passed the videotape to Tawfik Tirawi, the Commander of the General Intelligence in the West Bank, and the videotape may have reached the knowledge of Arafat himself.

### **Conclusions and comments**

The case of Fawzi Murar underscores the degree of involvement of Palestinian Authority Security Forces members in terrorist activity, including shooting at targets such as Israeli vehicles, dispatching suicide bombers and arms trafficking, to name a few. Murar was an officer in an elite unit of the Palestinian Authority, Force 17, which served as the guard of the President of the Authority, and while he was serving in this unit, he participated in diverse terrorist activity.

April 10, 2013

A handwritten signature in blue ink, appearing to read "I. Shrenzel", with a large, sweeping flourish underneath.

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Israel Shrenzel